

MONDAY
NOVEMBER 20, 2006
7:00 P.M.



WESTON COMMUNITY CENTER
20200 SADDLE CLUB ROAD
WESTON, FLORIDA

**CITY COMMISSION
REGULAR MEETING AGENDA**

1. Roll Call
2. Presentation of the Colors – Broward Sheriff's Honor Guard
3. Pledge of Allegiance
4. Oath of Office Ceremony
5. Broward Sheriff's Office Fire Rescue Employee of the Month
6. Audience Comments
7. Consent Agenda
 - A. Commissioners' Items Removed for Later Discussion
 - B. Approval of Balance of Consent Agenda

CITY OF WESTON

QUASI-JUDICIAL HEARING

The following items are quasi-judicial in nature and are governed by the City's quasi-judicial procedures. If you wish to object or comment upon these items, please wait to do so when the announcement regarding the particular quasi-judicial item is made. You will be required to be sworn in before addressing the Commission, and if you wish to address the Commission, you may be subject to cross-examination. If you refuse to submit to cross-examination, the Commission will not consider what you have said in its final deliberations. The material in the City Commission's agenda backup and the staff résumés on file with the City Clerk will be considered as evidence without authentication.

8. A Resolution of the City Commission of the City of Weston, Florida, considering Application No. 06-5803, variance to allow an impervious area of approximately 66.5% for the construction of an 838 square foot swimming pool and associated pool deck, for the property located at 3699 Vista Way.

The Ridges

Pages 7-29

END OF QUASI-JUDICIAL HEARING

9. An Ordinance of the City of Weston, Florida, amending Sections 110.15, "License Generally; License Application," 110.16, "License Exemptions and Credits," 110.17, "License Application Investigation," 110.18, "License Term," 110.19, "License Transferability," 110.20, "License Taxes," 110.21, "License Display," 110.22, "Compliance with Building and Zoning Regulations Required," 110.23, "License Delinquency and Penalties," 110.24, "License Revocation;" creating Sections 110.25, "Pharmacies and Pharmacists," 110.26, "Assisted Living Facilities," 110.27, "Prerequisite for Issuance of Pest Control Business Tax Receipt," 110.28, "Health Studios; Consumer Protection," 110.29, "Sellers of Travel; Consumer Protection," 110.30, "Telemarketing Businesses; Consumer Protection;" amending Sections 110.37, "Private Detectives and Criminal Investigators," 110.39, "Psychologists," 110.40, "Contractors," 110.41, "Mobile Food Vendors," 117.01, "Mobile Vending Permitted;" relocating and renumbering Section 110.62, "Extended Operating Hours with Alcoholic Beverages License," to Section 111.06, in order to comply with the recent changes in Florida Statutes; and providing for an effective date.

Public Hearing and First Reading

Pages 30-44

10. An Ordinance of the City of Weston, Florida, amending Section 12.01, "Definitions," to provide a definition of "Place of Public Assembly;" amending Section 158.40, "Amount of Off-Street Parking," in order to provide consistent parking requirements for places of public assembly; creating Section 158.59, "Home-Based Public Assembly Uses," in order to provide for regulation of home-based public assembly uses; and providing for an effective date.

Public Hearing and First Reading*

Pages 45-53

***The City Commission will be sitting simultaneously as the Local Planning Agency when considering this item.**

11. An Ordinance of the City of Weston, Florida, amending Policy 8.1.4 of the City's Comprehensive Plan regarding vacation of the remaining right-of-way within the impoundment area; and providing for an effective date.

Public Hearing and First Reading*

Pages 54-59

***The City Commission will be sitting simultaneously as the Local Planning Agency when considering this item.**

12. An Ordinance of the City of Weston, Florida, amending Section 12.01 "Definitions," to create separate definitions for Real Estate Sale and Real Estate Leasing Signs; amending Section 156.17 "Prohibited Signs," by amending provisions related to monument signs and real estate leasing signs; amending Section 156.18 "Permanent Signs," by amending provisions related to a uniform sign plan in a multi-tenant project and monument signs, and providing for sign regulations on Automatic Teller Machines (ATM); amending Section 156.23 "Temporary Signs and Decorations," to provide for temporary non-residential real estate sale and real estate leasing signs not to exceed two square feet in area; amending Section 156.25 "Sign Placement," to provide that non-residential free standing temporary signs and monument signs shall be placed at least 10 feet from the right-of-way; and providing for an effective date.

Second and Final Reading*

Pages 60-70

***The City Commission will be sitting simultaneously as the Local Planning Agency when considering this item.**

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13. An Ordinance of the City of Weston, Florida, amending Section 159.027, "Adequacy of the Local Road Network," in order to provide for compliance with the requirements of Section 163.3180, Florida Statutes; and providing for an effective date.

Second and Final Reading*

Pages 71-84

**The City Commission will be sitting simultaneously as the Local Planning Agency when considering this item.*

14. An Ordinance of the City of Weston, Florida, amending the Budget of the City of Weston for Fiscal Year 2005/2006 commencing October 1, 2005 and ending September 30, 2006; and providing for an effective date.

Second and Final Reading

Pages 85-92

15. An Ordinance of the City of Weston, Florida, amending Chapter 12, "Definitions," by defining "Portable Toilet Facilities," and amending Chapter 51, "Water and Sewer," by creating Section 51.47, "Portable Toilet Facilities," to regulate the use of such facilities; and providing for an effective date.

Second and Final Reading

Pages 93-98

16. An Ordinance of the City of Weston, Florida, amending Section 70.10, "Prohibition of Right-of-Way Vendors and Solicitors on Certain Roads," amending the Zoning Map for the City of Weston and amending the Future Land Use Map to reflect the change in the name of "Arvida Parkway" to "Royal Palm Boulevard" and "Glades Parkway;" and providing for an effective date.

Second and Final Reading

Pages 99-103

17. An Ordinance of the City of Weston, Florida, amending Section 50.30, "Roll-Off Containers/Temporary Dumpsters," amending Section 92.01(A)(7), "Household Waste and Recycling Bins or Carts;" and providing for an effective date.

Second and Final Reading

Pages 104-110

18. **CONSENT AGENDA**

CITY OF WESTON

- A. A Resolution of the City Commission of the City of Weston, Florida, approving a one (1) year extension to the Agreement between the City of Weston and Stan Hemphill of Leisure Grants Service, Inc. for grant consultant services.

Pages 111-140

- B. A Resolution of the City Commission of the City of Weston, Florida, authorizing the appropriate City officials to propose a General Bill to the Florida Legislature amending Sections 205.043 and 205.053, of the Florida Statutes, to allow municipalities to stagger the sale and expiration dates of local business tax receipts.

Pages 141-147

- C. A Resolution of the City Commission of the City of Weston, Florida, awarding Bid No. 2006-08, Three Village Road and Country Isles Road Improvements, to Tenex Enterprises, Inc.

Pages 148-156

- D. A Resolution of the City Commission of the City of Weston, Florida, approving Change Order No. 1 for the City's contract provider, N&J Construction, for the project known as Weston City Hall Building, City of Weston Bid No. 2006-03, Calvin, Giordano & Associates Project No. 05-5364.

Pages 157-169

- E. A Resolution of the City Commission of the City of Weston, Florida, authorizing the purchase and transfer of computer hardware and software from various vendors.

Pages 170-177

- F. A Resolution of the City Commission of the City of Weston, Florida, approving the minutes of the regular meetings of the City Commission of the City of Weston held on September 27, 2006 and October 16, 2006.

Pages 178-240

CITY OF WESTON AND INDIAN TRACE DEVELOPMENT DISTRICT

- G. A Resolution of the City Commission of the City of Weston, Florida, and as the governing board of the Indian Trace Development District, accepting the transfer of parcels of common area adjacent to City rights-of-way, from Tequesta Maintenance Association, Inc.

Pages 241-269

CITY OF WESTON, INDIAN TRACE DEVELOPMENT DISTRICT, BONAVENTURE DEVELOPMENT DISTRICT

- H. A Resolution of the City Commission of the City of Weston, Florida, and as the governing board of the Indian Trace Development District, and as the governing board of the Bonaventure Development District, approving the transfer of ownership of CSA Southeast, Inc. to C.A.P. Government, Inc.

Pages 270-279

INDIAN TRACE DEVELOPMENT DISTRICT

- I. A Resolution of the City Commission of the City of Weston, Florida, as the governing board of the Indian Trace Development District, providing for the reconciliation of the Fiscal Year 2005/2006 Budget.

Pages 280-284

BONAVENTURE DEVELOPMENT DISTRICT

- J. A Resolution of the City Commission of the City of Weston, Florida, as the governing board of the Bonaventure Development District, providing for the reconciliation of the Fiscal Year 2005/2006 Budget.

Pages 285-289

19. COMMISSION/CITY MANAGER AGENDA REQUESTS

A. **John R. Flint, City Manager**

Discussion regarding the naming of public facilities.

Pages 290-294

B **John R. Flint, City Manager**

Discussion regarding proposed Broward County School Board High School "MMM" site.

Pages 295-297

20. Adjournment

PUBLIC PARTICIPATION AT COMMISSION MEETINGS

Anyone wishing to address the Commission with regard to a matter appearing on the Agenda or during audience comments must sign in with the City Manager or his designee. Each individual must state his or her name and the name of the entity represented (if applicable) and the item on the agenda to be addressed prior to conclusion of the discussion of the matter. Each person addressing the Commission shall approach the lectern, shall give their name and address in an audible tone of voice for the record, and unless further time is granted by the Presiding Officer, shall limit their address to three (3) minutes. All remarks shall be addressed to the Commission as a body and not to any member thereof. A person speaking on an item on the agenda shall limit their comments to matters relevant to the item. A person speaking during audience comments shall not address any item on the agenda and is strongly encouraged to refrain from making political statements. No person addressing the Commission shall make personal attacks on any member of the Commission or any other individuals or entities. No person, other than the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Presiding Officer. No question shall be asked of a Commissioner except through the Presiding Officer.

Any person who addresses the Commission on behalf of an individual, corporation or special interest group for compensation must disclose that representation when stating his or her name, as described above.

Pursuant to Florida Statutes 286.0105, if a person decides to appeal any decision made by the body with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based.

Any person requiring auxiliary aids and services at this meeting may call the City Clerk's Office at (954) 385-2000 at least three (3) business days prior to the meeting.

MINUTES OF MEETING CITY OF WESTON

A regular meeting of the City Commission of the City of Weston was held Monday November 20, 2006 at 7:00 p.m. at the Weston Community Center, 20200 Saddle Club Road, Weston, Florida.

Present and constituting a quorum were:

Eric M. Hersh	Mayor
Sharon Cheren	Commissioner
Mercedes G. Henriksson	Commissioner
Daniel J. Stermer	Commissioner
Murray Chermak	Commissioner

Also present were:

John R. Flint	City Manager
David E. Keller	Assistant City Manager/CFO
James P. Ward	Assistant City Manager
Jamie Alan Cole	City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske
Chad Friedman	Assistant City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske
Pami Maugham	Assistant City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske
Patricia A. Bates	City Clerk
Laurie Menekou	Assistant City Clerk, Severn Trent
Raquel Moya	Assistant to the City Clerk, Severn Trent
Shelley Eichner	Vice President, Calvin, Giordano & Associates
Shahin Hekmat	City Engineer, Calvin, Giordano & Associates
David Hennis	Planning Department Manager, Calvin, Giordano & Associates
Jeffrey Skidmore	Director of Community Services, Severn Trent
Denise Barrett	Director of Communications, Severn Trent
Steven Murray	Municipal Technologies, LLC
Chief Greg Page	BSO DLE -Weston
Byron Jaffe	Resident
Tim Nigro	Resident
Sheryl Wultz	Resident
Tuly Wultz	Resident

FIRST ORDER OF BUSINESS

Roll Call

Mayor Hersh called the meeting to order at 7:00 p.m.

Ms. Bates called the roll.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

Mayor Hersh stated we are honored this evening to have the BSO Honor Guard and Students from Imagine Charter Elementary School to lead us in the Pledge of Allegiance.

The students led the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

BSO Honor Guard

The Honor Guard presented the colors.

Mayor Hersh stated thanks to the Honor Guard and the students for coming this evening. This is a very special day, as two of our Commissioners just won the election. They will be sworn in shortly and you are here to participate in a very important Commission meeting and be part of the democracy that we celebrate every couple of years in America.

The students are as follows: John, Andrea, Rodrigo, Brian, Elena, Jordan, Jorge, Carlos and Francis.

FOURTH ORDER OF BUSINESS

Oath of Office Ceremony

Mayor Hersh stated this is the first time that there has been no change on the Commission and we are delighted that Commissioner Stermer and Commissioner Chermak have been re-elected and are here to take the Oath of Office. At this time I would ask Commissioner Stermer, joined by his parents, to come to the podium.

Commissioner Stermer was sworn in by his parents, Lois and Bernard Stermer.

Mayor Hersh stated congratulations to Commissioner Stermer and we will have an opportunity to hear from him shortly. At this time I would like to call Commissioner Chermak, joined by his son, to the podium.

Mr. Jerome Chermak stated I just want to say when you look in the dictionary, the South Florida edition, under Public Servant there is a picture of Murray Chermak. He is a wonderful public servant and on the Commission, and has been doing this for 28 years for the City of Weston, as well as for the Town of Bonaventure and it is my privilege and honor to perform this ceremony.

Commissioner Chermak was sworn by his son, Jerome Chermak.

Mayor Hersh stated congratulations to Commissioner Chermak. At this time I would like to call upon Commissioner Stermer

Commissioner Stermer stated thank you Mr. Mayor, Commissioners, City Manager, City Attorney, City Clerk, family, friends and fellow residents. I must begin by thanking my wonderful family whose love and understanding is what makes my public service possible. My wife Debbie,

my children Zachary, Jacqueline and Adam and my parents, whom are here and reside in Bonaventure, they are my rock and remind me everyday exactly why I work so hard to keep Weston the envy of families and businesses throughout the County. I am lucky this evening to also have my in-laws, who are snowbirds, come down and join us this evening and I thank them for that. This is a new experience for us, having Commissioners sworn into office in November as opposed to March. Our City showed its leadership when it was the driving force behind the effort to change State law to allow municipalities in Broward to have a choice as to when each City wanted to hold their respective City elections. Commissioner Chermak and I took the bold steps and demonstrated our leadership through what was right when we agreed to cut our terms short by five months. I must take this moment to congratulate Commissioner Chermak on his re-election to our City Commission; he has passed the test for the second time in our community. Each time you put your name forward for consideration to be a leader and public servant, it is a test, which permits residents the opportunity to consider and judge you in your leadership abilities. I continue to be humbled and honored by the residents of our City and I cannot express to you in words how I felt at 12:01 p.m. on Friday, September 8th when I was advised by our City Clerk, Ms. Bates, that I was reelected to our City Commission without opposition. I understand and value the trust that has been placed in me and I pledge to lead as best as I can. I commit to you that I will do everything that I can to continue to be one of the leaders in this City and continue to make Weston the ideal place to live, own property, own a business or work, play, go to school and raise a family. Many people have asked me why I enjoy being a City Commissioner and my response is always the same; I believe it is my way to give back. Many of you know that I work tirelessly on behalf of our City and have a passion for doing so. I believe it is a leader's obligation to do so and I will continue to do so during the next four years. As everybody knows, our City is a planned community; however, there are two issues we currently face that remain unresolved with the first being a new high school to relieve the most critically overcrowded high school in the Country, Cypress Bay. The second is to come up with a solution and complete our social fabric by creating a place that our teens and families will go. As we all know, Cypress Bay has approximately 5,400 students attending it this year and this is wholly unacceptable. We all moved here for a certain lifestyle, which includes educational facilities and we, as a City, need to do everything we can to see that this happens and it happens now. I pledge and commit to continue to be an active and vocal leader in bringing this critically needed school we refer to as "MMM," to our students and our City. I understand everyone's passion to see this happen. Earlier I introduced you to Zachary, Jacqueline and Adam. Zachary is a ninth grader and attends what they call the "The Island"

otherwise known as the Annex. Jacqueline is a seventh grader and Adam is a second grader. If we and our partners at the School Board work hard enough we could have MMM open before Jacqueline starts the tenth grade. I pledge to spend whatever time and energy is necessary to accomplish this utmost priority, which takes its next step next week at the Site Selection Committee. In closing, there is a phrase that Debbie and I have instilled in each of our children, which is "lead by example." I hope I have lived up to that phrase as a Commissioner in our home town, the City of Weston. Thank you very much for continuing to allow me to do this.

Mayor Hersh stated thank you very much and again, congratulations. I will now call upon Commissioner Chermak.

Commissioner Chermak stated good evening and thanks for coming. Commissioner Stermer took care of all the technical details, so I will just take a little trip down memory lane. Gloria and I moved here to Bonaventure on July 1, 1978 and there was no Arvida or anything below us, south of our community. Then in the early 1980s up came Weston and that was something. We knew it would be great and we did not know exactly what was going to happen with us in Bonaventure, but we were told that we must join a City, either Weston or Sunrise. We got together with a group and Gloria and I were co-chairmen of a campaign to join the City of Weston, we rallied our troops and on October 1, 1997, we joined the City of Weston. Probably, as I look back on my volunteer life, especially since 1978, one of the greatest achievements and one of the happiest memories is the job we did in knocking on doors, sending out letters, making calls and winning that election because being part of what I call probably one of the greatest cities in the Country, much less the State, was a thrill to join. We have a great City backing us and Bonaventure is not up to snuff yet, but we are working hard as you know and even though I am a Commissioner from Bonaventure, we work for everybody. My phone lines are open, my letters, and my emails, and I have done something that I promised to do, which is responding to every single call, letter and email. I think it was a lady from the Weston Express who called me once and asked why are you running for re-election and I told her it was because I love my job. I love doing what I am doing and with 28 years in Bonaventure, I know that community, my lines are not closed to the rest of Weston and I pride myself on responding to everybody. I do love my job and thanks for re-electing me.

Mayor Hersh stated thank you very much and congratulations. We are in for a special treat and to help celebrate we have the Cypress Bay High School Choir with us, conducted by Director Brad Franks and we will invite them in for a very special presentation.

The Choir performed.

Mayor Hersh stated before you leave we want to thank you so much for being here and you are always such great participants in the City, as you have been here before for swearing in ceremonies and it has really made those ceremonies special and you have also helped with Weston University graduations. You have made us very proud and we would like to present you with a gift of an LCD projector to help you with your program and hope that this will assist you in your efforts. Keep up the great work and we look forward to seeing you back here many, many times.

ANNOUNCEMENTS:

Mayor Hersh stated on behalf of the entire City Commission and our staff we would like to wish everyone a very happy Thanksgiving Holiday, a time to give thanks for all that we have and also to give thanks for the opportunities that freedom affords us and to appreciate those individuals serving to help keep us safe. During this holiday we also want to extend our thoughts and prayers to the soldiers in the US Military that are serving around the world on our behalf and we wish them a safe and happy Thanksgiving. On Thanksgiving Day and the day after the City Offices will be closed and all City Parks will close each day at 6:00 p.m. One of the questions most asked is about garbage pickup and there will be regular garbage pickup and recycling on Thanksgiving Day. The December Weston Moonlight Movie in the Park will be shown on Saturday, December 9th at 7:30 p.m. here at the Weston Regional Park, featuring the Polar Express where you can enjoy an evening traveling on a steam engine to the North Pole. Bring lawn chairs and blankets; snacks and drinks are available for purchase. Kids under 12 years old must be accompanied by an adult. On Sunday, December 10th beginning at 7:00 a.m. is the Annual ReMax Hometown Rotary Run and Half Marathon. Races start and finish on Vista Park Boulevard near the entrance to Vista Park. There are several land and road closures between the hours of 6:00 a.m. and 10:00 a.m. Please visit the City's website or the cable channel for these listings. To register for the run or the marathon go to www.splitsecondtiming.com or register at 6:30 a.m. on the day of the race. We ask for your patience while the runners are out on the road. Also on Sunday December 10th at 1:30 p.m., the City presents Santa's Holiday Review, a professional, theatrical and musical presentation for children. Tickets are only \$5 and are available here at the Community Center or at the box office just prior to the show. The performance will be held at the Cypress Bay High School Theater at 18600 Vista Park Boulevard.

FIFTH ORDER OF BUSINESS

Presentations

Mayor Hersh stated at this time I would like to invite Renee Herman, Patty Bradley and any members of the Committee for the Country Isles Harvest Drive Day. For those of you who do not know and I am going to ask these ladies to give an overview to tell everyone about it, but I know we were all there this morning as you started this wonderful program that you have developed over the years and it has become quite a hit with helping so many people that need the help with food and clothing. When we walked in this morning and saw the volumes of things that you have collected, it really brings a tremendous amount of warmth to all of us and it goes such a long way. You do it in a manner that is so dignifying to those who receive it and I am sure is appreciated by all. It is my pleasure to be able to present to you a Proclamation from the City of Weston. I will not read the entire Proclamation, but I have declared, on behalf of the City, November 20, 2006 to be Harvest Drive Day in the City of Weston and we would like to congratulate you, but mostly we would like to thank you, your committee and all of the volunteers for their tremendous efforts. Congratulations and thank you.

Ms. Patty Bradley this is my eighth year with the Harvest Drive and what we do is feed needy families in the area and this year we are going to be feeding 136 families. They get a week's worth of groceries, plus everything for Thanksgiving dinner, clothes, toys, books and I invite all of you and everyone listening to this to come by tomorrow if you really want to see your entire community in action and we are so excited because this year we did bring the entire community together. All the schools were involved, all the civic organizations and others. We have filled the Country Isles cafeteria until it is busting at the seams, but it has been a phenomenal response from everybody, so we invite you to come and see it. Thank you so much and we really appreciate everything. They were here today, they rolled up their sleeves, they were packing bags, sorting cans and so forth. Tomorrow the families will come and pick up all of their groceries, plus their perishables. Publix has been a big supporter this year for us. They will get turkeys, milk, eggs, bread, butter and everything you can think of. It is a great organization and we hope next year that we can have even more people involved. We also thank the Mayor and the Commission.

Mayor Hersh stated at this time of year is when we give thanks and we also want to take a moment and give special thanks to two people who have really stepped up and helped save the life of a child. At this time I would like to ask Mr. Andrew Dean to come to the podium and Jeff Donnelly. Unfortunately Julie Belzone could not be here this evening, but I understand that Mr. Dean will be accepting on her behalf. Debbie Grover of the Castle Group, which manages the Savanna Community, is also to be thanked for bringing this to our attention. In August Ms.

Belzone, then pregnant with her own child, was at the Clubhouse complex and saw a little girl face down at the bottom of the pool and she immediately pulled her from the water. Mr. Dean, who is the Director of Security for Savanna, heard people screaming for help, dashed to the child and immediately began CPR, ultimately reviving the child. When paramedics arrived she was breathing, they pushed water from her lungs and she was listed in good condition by that evening. Being a former diver in the British Armed Forces and a private dive instructor, he had never before had to utilize his skills, but we are here today to thank him for his life-saving actions for that one time here in Weston when they were desperately needed. We would like to present him with a certificate and thank him for going that extra step in making a difference in some people's lives, beyond what any of us could imagine. I want to congratulate you and thank you. If you would, please present this to Julie and congratulate her as well. Also on behalf of the Castle Group, we thank you for having such well-trained, highly respected and hard working people who care about the community. At this time Mr. Peter Moore and Post Commander Roy Schofield are here to introduce the Weston American Legion Post 385, which was started in June 2005 here in Weston. It supports the third largest Junior Reserve Officers Training Corps of high schools in the County, including Cypress Bay, the Broward Civil Air Patrol and they assist veterans in Weston, Southwest Ranches, parts of Pembroke Pines and Miramar in dealing with Veterans Administration.

Mr. Moore stated I am the first Vice Commander for Post 385 and to my right is Commander Roy Schofield, to my left is our Service Officer Peter Moore and our Adjutant and Finance Officer Joe Motes. I will give you the Readers Digest version on the clip notes for American Legions. The American Legions was established in 1919 by Congress. It was a patriotic mutual help for veterans and that same year the American Legion supported a Resolution to support the Boy Scouts of America. Two years later the American Legion was instrumental in starting what we know today as the Veterans Administration. Over the years, the American Legion has supported various organizations and programs, such as Boy Scouts of America, baseball programs and JROTC Air Rifle competitions. The American Legion has close to three million members with 15,000 posts worldwide. Post 385, which we are here to represent, was chartered in 2005 with a current membership of 186 members. We service one of the largest areas in Broward County serving from south of I-75 to the Dade County line, west of Flamingo Road to State Road 27, so that covers four cities; the City of Weston, the City of Pembroke Pines, the City of Miramar and the Town of Davie. We support three high schools, Cypress Bay, Flannigan and Everglades and we support the JROTC Programs there. We support eight Civil Air Patrol Units, one of which is in Weston; we support Fort Lauderdale's Sea Cadets, several Boy Scouts of America

Troops and the Arch Bishop McCarthy Baseball Team. As you can see, American Legion is not just a veteran organization, but we are also part of the community. We are instrumental in being involved in our young men and women lives because as we all know they are our precious commodity and tomorrow's leaders because they too will be sitting across in those chairs several years from now, hopefully. Congratulations to all of you who have been re-elected. The reason we are here is for two reasons: as you are looking at your budgets for next year or any discretionary funds that you might be interested in supporting, our group welcomes that because with any financial assistance we would then be able to expand our current programs, but not only that, we are also here to see how we can help you in your community activities. Just recently we had Veterans Day and we would like to be part of any type of ceremonies or celebrations that you may be having, so again, we stand ready to serve.

Mayor Hersh stated thank you very much and we appreciate you being here tonight, in the community and all the fine work you do. Our staff will definitely keep that in mind and see how we can help each other.

SIXTH ORDER OF BUSINESS

Audience Comments

Mayor Hersh stated anyone wishing to speak during audience comments is asked to complete a comment card, located at the back of the room. Bring the card to the podium and hand it to our staff when you come up to speak, as this will help us maintain proper public records. If you are here to speak on anything on tonight's agenda, you will need to wait until that item comes up in order to speak and we ask that your comments be limited to 3 minutes. Staff responses to comments made last week are part of the Commission backup.

Mr. Byron Jaffe stated I would like to congratulate Commissioner Stermer and Commissioner Chermak on their re-election to the City Commission. I know they will spend the next four years of their time working hard for this City as they have in the past and to keep it a great place to live and raise a family. This City has always operated in a fiscally responsible format and I am sure they will continue that tradition. Last week the City of Weston had a special meeting on which a discussion of the Weston Ice and Sports facility was on the agenda. To review, this is a single-use facility that is going to cost the taxpayers over \$30 million to build and operate over the next 20 years and it is a project that will only benefit a small number of residents. The main facts are: (1) the projected costs to build the facility have reached over \$31 million. Only 18 months ago the projected costs were \$12 to \$14 million, so the project has actually more than doubled in cost; (2) Centex, the builders/developers, knew as late as the May 15, 2006 Commission meeting

that the numbers presented then were not accurate when it was estimated at \$26 million; (3) when you include all the expenses, including the debt service to finance a \$27 million project, the City will be funding a project that has an annual operating loss of between \$1.5 to \$2 million per year. Those taxpayer dollars will be coming out of future reserve dollars, thereby lowering our emergency reserves; (4) if our future revenue stream is less than projected, our reserves will take an even bigger reduction; (5) the taxpayers of the City have already paid out, to the design/build team, almost \$500,000. This is for a project that we have not even decided to build yet and contractually, the City is obligated to pay an additional \$240,000 for almost three-quarters of a million dollars for this undecided project. These taxpayer dollars could have been used for other projects that would benefit a majority of children, for example, our schools can always benefit from additional educational resources. For example, \$750,000 could have bought a lot of educational materials for our students' educational needs. Additionally, these dollars could have provided a valuable boost to our existing Community Center for enhanced programs for our residents. Unrealistically, our Community Center has never reached its full potential because it has been used as a City Hall annex with attached office space, not a true Community Center; (6) this is a Panthers Hockey program, which is at every game and these programs are an advertisement about the Weston Ice Arena and they imply that the project has been approved as far back as May 2006; (7) if this is such a good project for the taxpayers and residents of Weston, then why, at the November 15th meeting, was it disclosed that the Panthers' Ice Hockey Team, which owns Incredible Ice of Coral Springs, has not committed even \$1 toward building this sports arena, yet they want the residents of Weston to pay for it. During this discussion of this facility at the City Commission's special meeting last week, which was not televised, nor was the agenda posted on the City's website, a member of the public made a request to address the Commission, as allowed by Florida Statute, the presiding officer at the meeting decided they were not going to allow public participation, even though the guidelines for public participation are clearly addressed on this agenda.

Mayor Hersh stated your time is almost up.

Mr. Jaffe stated the Attorney General for the State of Florida has authorized by Florida Statute to allow public participation at governmental meetings, regardless of whether or not the presiding officer wants to hear what the public has to say. Public participation is the most important part of our democratic society, which is why we fly the flag of the United States at the entrance to our parks and right behind the City Commission. I can only ask that if the presiding officer has decided not to allow public participation, at the next City Commission meeting on December 4th, what if the presiding officer does not want to hear if his fellow Commissioner either

agrees or disagrees with him as to the Weston Ice Arena, is the presiding officer not going to allow them to speak either?

Mayor Hersh stated at the meeting that we had it was a discussion Item and not an agenda Item for discussion. We decided to put it on as a regular agenda Item for December 4th in order to give everybody a fair and equal opportunity to speak and that is when that Item will be discussed in full.

Mr. Tim Nigro stated I came for the same reason; the ice hockey rink. This City has no business being in business, especially from what we learned from the tennis court ordeal, like it made all kinds of money; no, the taxpayer is paying for this and it does not make sense for a very few people who want to use the ice skating rink. Could you buy me a golf course because that is what I do and I would think the people in Bonaventure would love for you to buy the west course in Bonaventure, which might help them have their backyards again. I think it is a bad idea and I will be back here on December 4th and bring everybody I possibly can because this is ridiculous amounts of money and I also think this should be voted on instead of having to rely on three Commissioners to vote on a \$30 million project. I think it should go to the City of Weston, have it voted on and if it is 51%, have it; that is my opinion. Perhaps there should be an amendment to the Charter that any projects over \$10 million should be voted on.

Mayor Hersh stated we will have ample opportunity on December 4th to debate that issue and discuss the facts.

Commissioner Chermak stated on the lighter side, I decided to make my speech in two parts. I want to introduce my family, Jerry and Sheila Chermak, Rick and Shelly Chermak, PJ Chermak, my soccer player, Milana, a lovely lady from Orlando and my wife Gloria, but what I did not say was, the reason I love this job is that I love working with our Commissioners, our City Manager and all the ladies in the office and whoever dreamt up the idea of a contract city was a genius and I still haven't figured out who did that.

SEVENTH ORDER OF BUSINESS

Consent Agenda

A. Commissioners' Items Removed for Later Discussion

Mayor Hersh stated we have two additions, 7C and 7D, which were deferred from the special meeting on November 15th, dealing with the certification of election results. Are there any Items to be removed from the Consent Agenda?

Commissioner Henriksson stated I would like to remove Item 18C.

Commissioner Stermer moved to approve the balance of the Consent Agenda.
Commissioner Cheren seconded the motion.

Roll call vote on balance of Consent Agenda.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Cheren voted yes.
Mayor Hersh voted yes.

Item # 7-C Resolution 2006-150 of the City Commission of the City of Weston, Florida, accepting the results of the Municipal General Election held November 7, 2006, for the election of Commissioner Seat 3 and Commissioner Seat 4.

Mayor Hersh read Resolution 2006-150 by title into the record.

Mayor Hersh asked is there a motion to approve?

Commissioner Cheren moved to approve Resolution 2006-150.
Commissioner Henriksson seconded the motion.

Roll call vote on Resolution 2006-150.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Cheren voted yes.
Mayor Hersh voted yes.

Item # 7-D Resolution 2006-151 of the City Commission of the City of Weston, Florida, accepting the results of the Municipal Special Election held November 7, 2006, concerning proposed Charter amendments.

Mayor Hersh read Resolution 2006-151 by title into the record.

Mayor Hersh asked is there a motion to approve?

Commissioner Henriksson moved to approve Resolution 2006-151
Commissioner Cheren seconded the motion.

Roll call vote on Resolution 2006-151.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Cheren voted yes.
Mayor Hersh voted yes.

QUASI-JUDICIAL HEARING

EIGHTH ORDER OF BUSINESS

Mayor Hersh stated the applicant has asked for a deferral and I will read the title for the record.

A Resolution of the City Commission of the City of Weston, Florida, considering Application No. 06-5803, variance to allow for an impervious area of approximately 66.5% for the construction of an 838-square-foot swimming pool and associated pool deck, for the property located at 3699 Vista Way.

Mayor Hersh read the Resolution by title into the record.

Mr. Flint stated we have a fax from Debbie Rubin, dated November 17, 2006, addressed to me and it reads, "Good Morning Mr. Flint, at this time we would like to defer being heard for a variance at the November 20th City Commission meeting to the next available meeting after the allotted 25 days. The next Commission meeting after the 25 days is on January 16, 2007 and we would like to be added to the agenda on the January 16, 2007 City Commission meeting, thank you, Debbie Rubin." They have asked for a deferral in accordance with the Rules of Procedure of the City Commission. I have one more item, on behalf of the staff we would like to congratulate and welcome back Commissioner Stermer and Commission Chermak and we are very happy to have both of you back for another four years. We look forward to being able to do great things with you and I do not think anyone is more happy to have you back than the City Clerk because both of you were so gracious to give up four and a half months of your term, which enables this City to be the leader in Broward County to be the first City to vote to have November elections and that was very gentlemanly and magnanimous of you both. I think the residents of the City appreciate it and I can tell you that the voter turnout that we got in this election far surpassed that of any March election that we have ever had. It was certainly a lot less work and cost for us and it

really enabled the City Clerk to focus on the races at hand, not having to worry about poll workers, dealing with the Supervisor of Elections for getting the machines in and sending them back. You have really done a good thing for the residents of the City and I know it is a one time effort, but congratulations on being the first Commissioners elected in November.

NINTH ORDER OF BUSINESS

An Ordinance of the City Commission of the City of Weston, Florida, amending Sections 110.15, "License Generally; License Application," 110.16, "License Exemption and Credits," 110.17, "License Application, Investigation," 110.18, "License Term," 110.19, "License Transferability," 110.20, "License Taxes," 110.21, "License Display," 110.22, "Compliance with Building and Zoning Regulation Required," 110.23, "License Delinquency and Penalties," 110.24, License Revocation," creating Sections 110.25, "Pharmacies, and Pharmacists," 110.26, "Assisted Living Facilities," 110.27, "Prerequisite for the Issuance of Pest Control, Business Tax Receipts," 110.28, "Health Studios Consumer Protection," 110.29, "Sellers of Travel Consumer Protection, 110.30, "Telemarketing Businesses Consumer Protection," amending Section 110.37, "Private Detectives and Criminal Investigators," 110.39, "Psychologists," 110.40, "Contractors," 110.41, "Mobile Food Vendors," 117.01, "Mobile Vending," permitted, relocating and renumbering Section 110.62, "Extended Operating Hours with Alcoholic Beverage License," Section 111.06 in order to comply with the recent changes in Florida Statutes; and providing for an effective date.

Public Hearing and First Reading

Mayor Hersh read the Ordinance by title into the record.

Mayor Hersh stated this is a public hearing and first reading. Are there any members of the public who wish to comment on this Ordinance? Hearing none, I will close the public hearing. Is there a motion to approve?

Commissioner Stermer moved to approve the Ordinance
Commissioner Henriksson seconded the motion.

Roll call vote on the Ordinance.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Cheren voted yes.
Mayor Hersh voted yes.

TENTH ORDER OF BUSINESS

An Ordinance of the City Commission of the City of Weston, Florida, amending Section 12.01, "Definitions," to provide a definition of "Place of Public Assembly;" amending Section 158.40, "Amount of Off-Street Parking in Order to Provide Consistent Parking Requirements for Places of Public Assembly," creating Section 158.59, "Home Based Public Assembly Uses in Order to Provide for Regulation of Home Based Public Assembly Uses;" and providing for an effective date.

Public Hearing and First Reading

Mayor Hersh read the Ordinance by title into the record.

Mayor Hersh stated this is public hearing and first reading. The City Commission will simultaneously sit as the Local Planning Agency when considering this Item as well. Are there any members of the public who wish to speak on this Ordinance? Hearing none, is there a motion to approve?

Commissioner Stermer moved to approve the Ordinance
Commissioner Henriksson seconded the motion.

Roll call vote on the Ordinance.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Cheren voted yes.
Mayor Hersh voted yes.

ELEVENTH ORDER OF BUSINESS

An Ordinance of the City Commission of the City of Weston, Florida, amending Policy 8.1.4 of the City's Comprehensive Plan regarding vacation of the remaining right-of-way within the impoundment area; and providing for an effective date.

Public Hearing and First Reading

Mayor Hersh read the Ordinance by title into the record.

Mayor Hersh stated pursuant to Florida Statute, Section 163.3184, "Anyone who wishes to receive a Courtesy Informational Statement concerning publication of the Department of Community Affairs Notice of Intent, to find the proposed Comprehensive Plan Amendment either in compliance or not in compliance with State requirements, must place their name and address on a sign-in form." If you wish to receive the Courtesy Information Statement regarding Item 11, please place your name, and address on the sign-in form on the table, located in the back of the room.

This is a public hearing and first reading. The City Commission will be sitting simultaneously as the Local Planning Agency when considering this item. Are there any members of the public who wish to speak on the Ordinance? Hearing none, I will close the public hearing. Is there a motion to approve?

Commissioner Chermak moved to approve the Ordinance
Commissioner Stermer seconded the motion.

Roll call vote on the Ordinance.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Cheren voted yes.
Mayor Hersh voted yes.

TWELFTH ORDER OF BUSINESS

Ordinance 2006-22 of the City Commission of the City of Weston, Florida, amending Section 12.01 "Definitions," to create separate definitions for Real Estate Sale and Real Estate Leasing Signs; amending Section 156.17 "Prohibited Signs," by amending provisions related to monument signs and real estate leasing signs; amending Section 156.18 "Permanent Signs," by amending provisions related to a uniform sign plan in a multi-tenant project and monument signs, and providing for sign regulations on Automatic Teller Machines (ATM); amending Section 156.23 "Temporary Signs and Decorations," to provide for temporary non-residential real estate sale and real estate leasing signs not to exceed two square feet in area; amending Section 156.25 "Sign Placement," to provide that non-residential free standing temporary signs and monument signs shall be placed at least 10 feet from the right-of-way; and providing for an effective date.

Second and Final Reading

Mayor Hersh read Ordinance 2006-22 by title into the record.

Mayor Hersh stated the City Commission will be sitting simultaneously as the Local Planning Agency. Are there any members of the public who wish to speak on this Ordinance? Hearing none, I will close the public hearing. Is there a motion to approve?

Commissioner Stermer moved to approve Ordinance 2006-22
Commissioner Henriksson seconded the motion.

Mayor Hersh stated Mr. Flint or Mr. Cole is there any provision in here if someone now has what was a compliant sign and is now non-compliant? Is there any grace period that they would have in order to replace that or bring it into compliance?

Mr. Cole stated this actually becomes effective immediately. I do not think there are those types of changes of signs that are going to be affecting people.

Mayor Hersh stated there are some commercial real estate signs that would immediately become non-compliant.

Mr. Cole stated those would be immediate then.

Mayor Hersh stated I think you need to provide some phase-in.

Mr. Flint stated what we can do from an administrative standpoint is whatever number is comfortable with you all, but we can give people notice saying that they have 90 days or 120 days or whatever number you give us tonight is what we will implement.

Mayor Hersh stated if someone were to order a new sign it would take 90 to 120 days.

Mr. Flint stated it would give them time because if it is a real estate sign they might not have to replace it if they either lease the premises or sell the premises and there would be no new cost to them.

Mayor Hersh asked if we do that administratively we do not need any amendment?

Mr. Cole stated that is correct.

Mr. Flint asked 120 days sufficient?

The Commission agreed to 120 days.

Mr. Flint stated we will get with Code Enforcement in the morning, give people notice over time and from the time the notice is given, we will give them 120 days.

Roll call vote on Ordinance 2006-22. Commissioner Stermer voted yes. Commissioner Henriksson voted yes. Commissioner Chermak voted yes. Commissioner Cheren voted yes. Mayor Hersh voted yes.
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THIRTEENTH ORDER OF BUSINESS

Ordinance 2006-23 of the City Commission of the City of Weston, Florida, amending Section 159.027, "Adequacy of the Local Road Network" in order to provide for compliance with the requirements of Section 163.3180 Florida Statutes; and providing for an effective date.
Second and Final Reading

Mayor Hersh read Ordinance 2006-23 by title into the record.

Mayor Hersh stated we will be sitting as the Local Planning Agency when considering this Item. This is the second and final reading. Are there any members of the public who wish to speak on the Ordinance? Hearing none I will close the public hearing. Is there motion to approve?

Commissioner Stermer moved to approve Ordinance 2006-23.
Commissioner Cheren seconded the motion.

Roll call vote on Ordinance 2006-23.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Cheren voted yes.
Mayor Hersh voted yes.

FOURTEENTH ORDER OF BUSINESS

Ordinance 2006-24 of the City Commission of the City of Weston, Florida, amending the Budget of the City of Weston for Fiscal Year 2005/2006 commencing October 1, 2005 and ending September 30, 2006; and providing for an effective date.

Second and Final Reading

Mayor Hersh read Ordinance 2006-24 by title into the record.

Mayor Hersh stated this is a second and final reading. Are there any members of the public who wish to speak on the Ordinance? Hearing none I will close the public hearing. Is there a motion to approve?

Commissioner Chermak moved to approve Ordinance 2006-24.
Commissioner Stermer seconded the motion.

Roll call vote on Ordinance 2006-24.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Cheren voted yes.
Mayor Hersh voted yes.

Mr. Cole stated for the record, the attachment that was passed on first reading has been replaced with one that was handed out to everyone.

FIFTEENTH ORDER OF BUSINESS

Ordinance 2006-25 of the City Commission of the City of Weston, Florida, amending Chapter 12, "Definitions," by defining "Portable Toilet Facilities," and amending Chapter 51, "Water and Sewer," by creating Section 51.47, "Portable Toilet Facilities," to regulate the use of such facilities; and providing for an effective date.
Second and Final Reading

Mayor Hersh read Ordinance 2006-25 by title into the record.

Mayor Hersh stated this is a second and final reading. Are there any members of the public who wish to speak on this Ordinance? Hearing none, I will close the public hearing. Is there a motion to approve?

Commissioner Stermer moved to approve Ordinance 2006-25. Commissioner Henriksson seconded the motion.
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Roll call vote on Ordinance 2006-25. Commissioner Stermer voted yes. Commissioner Henriksson voted yes. Commissioner Chermak voted yes. Commissioner Cheren voted yes. Mayor Hersh voted yes.
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SIXTEENTH ORDER OF BUSINESS

Ordinance 2006-26 of the City Commission of the City of Weston, Florida, amending Section 70.10, "Prohibition of Right-of-Way Vendors and Solicitors on Certain Roads," amending the Zoning Map for the City of Weston and amending the Future Land Use Map to reflect the change in the name of "Arvida Parkway" to "Royal Palm Boulevard" and "Glades Parkway;" and providing for an effective date.
Second and Final Reading

Mayor Hersh read Ordinance 2006-26 by title into the record.

Mayor Hersh stated this is a second and final reading. Are there any members of the public who wish to speak on this Ordinance? Hearing none, I will close the public hearing. Is there a motion to approve?

Commissioner Stermer moved to approve Ordinance 2006-26.
Commissioner Chermak seconded the motion.

Roll call vote on Ordinance 2006-26.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Cheren voted yes.
Mayor Hersh voted yes.

SEVENTEENTH ORDER OF BUSINESS

Ordinance 2006-27 of the City Commission of the City of Weston, Florida, amending Section 50.30, "Roll-Off Containers/Temporary Dumpsters," amending Section 92.01(A)(7), "Household Waste and Recycling Bins or Carts; and providing for an effective date.

Second and Final Reading

Mayor Hersh read Ordinance 2006-27 by title into the record.

Mayor Hersh stated this is a second and final reading. Are there any members of the public who wish to speak on this Ordinance? Hearing none, I will close the public hearing. Is there a motion to approve?

Commissioner Stermer moved to approve Ordinance 2006-27.
Commissioner Henriksson seconded the motion.

Commissioner Chermak stated I just want to make it clear about the household waste and recycling bins and I will read what it says: "All garbage cans and recycling bins when stored shall be shielded from visibility from any adjacent street and the view of any abutting residence and landscaping screen and placing it in a closed garage." This is a very big problem over in Bonaventure and that is why I wanted to make it very clear that if you are putting your garbage out at the proper time, when you take it back, put it away so nobody sees it; not on the side of your house unless it is shielded by the items they spoke about or in your garage.

Roll call vote on Ordinance 2006-27.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Cheren voted yes.
Mayor Hersh voted yes.

EIGHTEENTH ORDER OF BUSINESS

Consent Agenda

CITY OF WESTON

- A. Resolution 2006-152 of the City Commission of the City of Weston, approving a one (1) year extension to the Agreement between the City of Weston and Stan Hemphill of Leisure Grants Service, Inc. for grant consultant services.
- B. Resolution 2006-153 of the City Commission of the City of Weston, Florida, authorizing the appropriate City officials to propose a General Bill to the Florida Legislature amending Sections 205.043 and 205.053, of the Florida Statutes, to allow municipalities to stagger the sale and expiration dates of local business tax receipts.
- C. Resolution 2006-154 of the City Commission of the City of Weston, Florida, awarding Bid No. 2006-08, Three Village Road and Country Isles Road Improvements, to Tenex Enterprises, Inc.
- D. Resolution 2006-155 of the City Commission of the City of Weston, Florida, approving Change Order No. 1 for the City's contract provider, N&J Construction, for the project known as Weston City Hall Building, City of Weston Bid No. 2006-03, Calvin, Giordano & Associates Project No. 05-5364.
- E. Resolution 2006-156 of the City Commission of the City of Weston, Florida, authorizing the purchase and transfer of computer hardware and software from various vendors.
- F. Resolution 2006-157 of the City Commission of the City of Weston, Florida, approving the minutes of the regular meetings of the City Commission of the City of Weston held on September 27, 2006 and October 16, 2006.

WESTON AND INDIAN TRACE DEVELOPMENT DISTRICT

- G. Resolution 2006-158 of the City Commission of the City of Weston, Florida, and as the governing board of the Indian Trace Development District, accepting the transfer of parcels of common area adjacent to City rights-of-way, from Tequesta Maintenance Association, Inc.

WESTON AND INDIAN TRACE DEVELOPMENT DISTRICT AND BONAVENTURE DEVELOPMENT DISTRICT

- H. Resolution 2006-159 of the City Commission of the City of Weston, Florida, and as the governing board of the Indian Trace Development District, and as the governing board of the Bonaventure Development District, approving the transfer of ownership of CSA Southeast, Inc. to C.A.P. Government, Inc.

INDIAN TRACE DEVELOPMENT DISTRICT

- I. Resolution 2006-160 of the City Commission of the City of Weston, Florida, as the governing board of the Indian Trace Development District, providing for the reconciliation of the Fiscal Year 2005/2006 Budget.

BONAVENTURE DEVELOPMENT DISTRICT

J. Resolution 2006-161 of the City Commission of the City of Weston, Florida, as the governing board of the Bonaventure Development District, providing for the reconciliation of the Fiscal Year 2005/2006 Budget.

Mayor Hersh read Resolution 2006-154 by title into the record.

Mayor Hersh stated Commissioner Henriksson removed this Item from the Consent Agenda.

Commissioner Henriksson stated I would like to ask the City Manager to provide a very brief update, as we have been talking about this over a period of time and residents would like to have an update.

Mr. Flint stated this project has been in the planning stages for the past year and a half and what you have before you is the result of the input of the residents of the Country Isles Community. We had three community meetings with them where they were each noticed by first-class mail. We received their input and I think we ended up with a design that really suits the needs of the community there because it was ultimately their design that we ended up doing and neither of the two alternatives that we brought forward. This will curb all of the road edges throughout the Country Isles Community so there will no longer be parking available on the swales. It will add a bicycle lane along Three Village Road and Country Isles Road, which will enable the residents to access the bicycle lanes on the arterial roadways whether they go out to Bonaventure Boulevard, out to Royal Palm Boulevard or up to Indian Trace and probably most important, during the peak drop off and pick up hours at Country Isles Elementary School, it is going to provide a parking area, not on the grass, but on the pavement, for those parents who choose to drop their kids off and pick them up and still enable the regular traffic to pass by in the travel lane. I think this is going to go a long way towards enhancing the appearance of the Country Isles Community and rid the community of the appearance that they have had to live with for the past number of years with having vehicles parking on the swales, tearing up the swales and us trying to respond in restoring the swales on an ongoing basis. Over time it is going to be an almost \$2 million project to undertake this, but it is going to eliminate our ongoing maintenance, which if we did not, it would have gone on in perpetuity. We are very grateful to the residents of Country Isles who came out and participated in the process and I think it really shows that the process does work.

Commissioner Henriksson stated on the summary explanation and background, it says the commencement date is January 9, 2006 and it should be 2007, correct?

Mr. Flint stated the commencement date is going to be January 2007, but the good news is, Tenex is familiar with our processes and if we can get the contract signed in the next 14 to 20 days, we are going to try to get the contractor in there while the school is closed to do what would be the most disruptive portion to get that started before school re-opens. There is no doubt that it is going to be an inconvenience over the next eight to nine months for the residents of Country Isles and you will probably hear about it from time to time, but the contractor is sensitive to that. It is going to be a tough project to do because the area to work in is rather narrow and it is one lane in each direction and a contractor is going to have to put up with the pick up and drop off and the school buses. It is going to require a little bit of patience, but if we exercise that patience, at the end of the day we are going to have a great project and an even better Country Isles Community. The other thing you might get questions about and this is something that we have already told the residents, we have bifurcated the project from the paving drainage portion and the landscaping portion. The landscaping portion is really in Priority II of the Master Re-landscaping Program because we could not do the landscaping concurrent with the paving and drainage work; the contractors would get in each other's way, so the landscaping is going to come a year from now.

Commissioner Henriksson moved to approve Resolution 2006-154.
Commissioner Cheren seconded the motion.

Commissioner Stermer stated I think it is good to see that the bid submitted by Tenex is actually less than the Engineer's estimate.

Roll call vote on Resolution 2006-154.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Cheren voted yes.
Mayor Hersh voted yes.

All Items listed above on the Consent Agenda were approved earlier in the meeting.

NINETEENTH ORDER OF BUSINESS

Commissioner/City Manager Agenda Requests

A. City Manager John R. Flint Discussion Regarding Naming of Public Facilities.

Mr. Flint stated Chapter 99 of City Code of Ordinances addresses naming and recognition procedures for the naming of public places. While this Ordinance was adopted and amended, we

have never really had the occasion to implement it and I think when it comes time to implement it, we are going to find some shortfalls here that really need to be addressed. While the Ordinance does say that any public place cannot be named after anyone who still remains living, there is no criteria or procedure within the Ordinance on how to go about this. This is something we wanted to bring forward because we have been approached for naming and rather than just put it out there without having any criteria or procedure, we wanted to give the Commission an opportunity to see how we might want to best go about this and see what alternatives may exist in the event that the Commission would prefer not to name anything after anyone. To memorialize or honor someone, it is a very difficult position for elected bodies to be in, to recognize one person's loss as more important or worthy of a name than another person's loss, which is something that could always be questioned of the elected body, so we would like to hear what you have to say and offer some input that we have on the matter and see how we might want to go about this so we can treat everybody fairly and equally in the future when these occasions do arise.

Mayor Hersh stated this was brought forward by the Wultz family, as we all know about the loss that they endured and it was brought to my attention, so I invited them to come and speak tonight.

Ms. Sheryl Wultz stated I am the mother of Daniel Wultz and as you may recall, Daniel was killed this past summer by a suicide bomber when we were visiting Israel. I wanted to let everybody know that Daniel spent most of his life here, he loved Weston and it was his home. He played on many of the Y's teams and Little League here and he practiced basketball on a daily basis, which was a very important part of his life. One of the baseball teams honored Daniel this year and suggested that they name the field in his honor and that is when it came to our attention and it was a great idea. We were thinking that since basketball was his favorite, more than baseball that perhaps naming the basketball courts for him would be a great thing to do, so I emailed the Mayor asking him what the procedure would be to do something like that. I want you to know that Daniel was a great kid, he woke up each day with the thought of making the world a better place, and he expressed that to his father and me on a daily basis. I think that many, many members of the community would be very proud and happy to have a public place named after a child like Daniel, as a remembrance to his friends and others that did not even know him, but knew of him. We are hoping that the Commission will seriously consider the naming of public places without too much bureaucracy so we can memorialize Daniel and the things that he stood for in the community that he grew up in.

Mayor Hersh stated thank you for being here. I clearly do not know that there are any easy answers, it is difficult to hear these stories and I know we are all moved by it. Clearly, whatever we do, this is the first time in the history of the City that we have been faced with this. We have not named anything after anyone, so when I was asked by the family, my answer was that I really did not know because we have never done it before, so now is the time to discuss it and ask staff to look into this. I do not know that we are going to make a decision tonight, but I think we need to go in some direction.

Commissioner Chermak stated I do not want to make the decision tonight, as it needs a lot of thought and conversation between the Commissioners.

Mayor Hersh stated at this point we need to have some discussion and see what direction the Commission would like to take and if there is any kind of consensus because we have to give staff a little bit of direction as to whether they should be researching to come up with other ideas or moving forward with a procedure.

Commissioner Cheren stated I would like to thank Mr. and Mrs. Wultz for having the courage to come forward to speak to us tonight. God forbid, none of us should ever have to experience the loss of a child and we have all suffered losses, but the loss of a child is something that none of us want to ever have to be faced with. At the same time, I understand that there are many other individuals in the community who have suffered losses and it is difficult to measure whose loss is larger, heavier or harder to bear. The circumstances under which Daniel was killed are mind-bogglingly horrific and with that being said, I do not know if we could or should place ourselves in a position to be a measuring stick as to the horribleness of a loss and while I certainly see a need and a benefit to acknowledging that, perhaps there might be another way in which we could do that. I was thinking along the lines of perhaps something where it could be a little more individualized so all the residents might have an opportunity that if they wanted to express that kind of a closeness and association with the City, they might have the opportunity to do that. For example, perhaps the purchasing of a tree for one of our beautiful parks where a certificate could be provided to show the purpose of that tree and it is twofold; it honors and memorializes the memory of our dearly departed and at the same time beautifully enhances our City. Again, I do not know if we want to place ourselves in a situation where we are the measuring stick where we weigh someone's situation against the other; I am not comfortable with that.

Commissioner Stermer stated Mr. and Mrs. Wultz, thank you for being here. This is the first time I have seen you show up at a public event that specifically was not related to Daniel and I think it is a testament to your strength that you have joined us this evening. I would like to know

what other Cities do and what their processes are and until we know what that is, I do not know which way to go because I do not know what is required. What do other places do to even contemplate this and as Commissioner Cheren said it will become difficult, as we had four veterans here from the American Legion earlier and I can only imagine where we could start going with this. I am not opposed to us doing something; I would just like to know what our options are. The concept of creating a tree park and I think there are a variety of ways to do it and a variety of places to do it, is an interesting idea; however, I would like to know what other cities do and what the County does just so we know what the requirements are because we can then at least talk about concrete possibilities based on things that other places do. I think at the moment we are talking about concepts that I just cannot put my arms around at the moment.

Commissioner Henriksson stated again, thank you for joining us this evening Mr. and Mrs. Wultz. As we grow as a City we are going to be faced with this more and more. Daniel lived most of his life with us, but we also have children that were born here that will be here for a long time and who knows how that will end, but we also have volunteers and other folks that are part of the community that again, five years from now we are going to be faced with this more than we are today. I too, would like to know how other cities deal with it and also having discussed it tonight, I would like to ask our residents. Mr. and Mrs. Wultz brought this to our attention, but if there are others out there that have pondered this, recommendations or suggestions of what the best way to handle it, it is a very, very difficult situation and it would be very difficult for us or anyone at any point in time, to be faced with two people making a request of a particular facility if it should come to that. I too, would like to ask staff to give us some comparisons of how other cities handle it and some options we might look at.

Commissioner Chermak stated that is why I said I did not want to decide this tonight. It needs a lot of thought and I think we have to ask Mr. Flint to check other cities out. I lost a brother in the Battle of the Bulge, so I know what the stories are and the hurt is terrible. You are a miracle couple and we wish you no more harm and a future that is filled with love and happiness and perhaps we can come up with something.

Mayor Hersh stated clearly, we need to see what other cities are doing. I agree with Commissioner Henriksson in that a lot of times we bring these situations forward at these meetings so we can get feedback from the public and we hope that members of the public will contact us by phone or email and give us their thoughts and ideas. Having kind of pushed this Ordinance back many years ago, the idea of this Ordinance was to not name things after politicians and it was not for any other reason, but it was me not wanting any politician having their name on a building. We

really never contemplated any other types of scenarios; that is why it was written the way it was written and pushed the way it was pushed and that is why the procedures do not sound appropriate for this type of circumstance because they were not designed for this; they were designed for a politician who wants their name on a building. Mr. Flint I think it would be a good idea to do some research and I would be interested in what, if anything, the County does and some of the surrounding cities, then get back to us and we will try to move this along to figure what we can do. Mr. and Mrs. Wultz, thank you very much for being here and I will keep you posted as to when this will come back before the Commission.

B. City Manager John R. Flint

Discussion Regarding Proposed Broward County School Board High School "MMM" Site

Mr. Flint stated we have a PowerPoint presentation for you this evening and one of the things that has been proposed in the community was looking at a site at Tequesta Trace Park and I want to go over a few things because I think it is important that you are aware of these things. There is a deed restriction on Tequesta Trace Park and as you can see on the screen, the area that is highlighted in yellow, the park is to be in perpetuity for public park purposes and use accessory and incidental there, also that in the event of a failure of the City of Weston to abide to this use restriction, any affected person or Broward County, may enforce this restriction by any legal remedy available by law and equity, including and not limited to, an action for specific performance or injunctive relief, which is why we do not have cell towers in these parks because of this deed restriction. The County will not give us an okay to even put a cell tower in there, so I think you can clearly see that it was the intent when the community was developed and when Broward County accepted these park lands from the developer that they were intended to be park lands in perpetuity and this was passed along to us when the parks transferred ownership from Broward County to the City of Weston upon incorporation. The second item is that back in 2001 we entered into a Joint Use Agreement with the School Board for specific lands that run two ways; one way is for the City to use School Board properties and the other way is for the School Board to use City properties. What you see on the screen is the Resolution that adopted it and the next screen shows the Agreement and one of the properties in that Agreement is that the School Board does have the use of Tequesta Trace Park during school time and once school is over, the use is given back to the City. On the next slide, if you look at the ownership, most of us, to some extent, may consider it all as one parcel, but in actuality there are two parcels; one is the parcel that the

City owns that shows where the ball fields are, the track, the two soccer fields and the parking lot and other is the parcel that is owned by the School Board, which is the southerly, lower parcel, which is the Tequesta Trace Middle School parcel. If you will notice, there are no recreation facilities on that parcel; it is just school buildings, parking attendant to the school and the drop-off lanes. The school depends solely upon the neighboring park land for its recreational uses. The sports programs currently using Tequesta Park, Weston Warriors tackle football, 400 participants, Weston Warrior Lacrosse, 150, Weston area Little League, Girls softball only, 200, YMCA adults, men and coeds, 200, YMCA men's flag football, 150, The Rattlers, 100, plus all the physical education classes and athletic teams at the adjacent middle school, which adds up to about 1,200 participants that if the park were to cease to exist, would have to be relocated either to Vista Park or to the Regional Park. The next slide shows Cypress Bay and Falcon Cove Middle School. I would direct your attention to the Falcon Cove Middle School site, where in fact, you do see athletic facilities on the school site and they are not dependent upon the High School site, although there are portables on the tennis court that supposedly have never been played on. This leaves us with "where are we with the School Board." The School Board is presently looking at a property that is located on Manatee Isles Drive; formerly known as Southwest 36th Street to the west of South Post Road. The northern portion, which is on the screen in the yellow box, is under the ownership of Ronald Bergeron and the southern portion is owned by the Hayes family. Together it is 45 acres, which is one of the standards for a high school site that is not only set by the School Board, but also by the State of Florida. It can be on a little more or a little less property, but that is to have adequate school buildings and recreational facilities for a 2,500 to 3,000 student high school, which is a prototypical high school that the School Board builds. The School Board is presently looking to have a Site Selection Review Committee meeting on either November 29th or November 30th and we have yet to be formally notified that it is going to occur or on which date. I put a call into Mike Garretson this morning about 8:30 and was advised he was in the Superintendent's meeting and I told his assistant who was calling and what we needed to know and when we needed to know it, but unfortunately I did not get a call back, as I am sure he was rather busy attending to a number of things. Overall, the School Board has been very responsive in working with us and has been very diligent in trying to acquire this site. Subject to the Site Selection Committee going along with the staff's recommendations to acquire the site, the staff is looking to get this on the December 5th School Board meeting agenda, which is a Tuesday, to commence the condemnation proceedings. Mr. Bergeron has advised the School Board and has told me he would only sell the property under the conditions of condemnation because there are

certain tax implications versus an outright sale versus a condemnation and he would want to take advantage of those tax advantages to him and the School Board is willing to go along with that. The School Board is currently in their due diligence period that they are going along to determine the wetlands quality indexes of any possible wetlands that may be on the site, there has been a jurisdictional determination made, Mr. Bergeron has forwarded that to the School Board and in addition, he has been very cooperative in telling the School Board that he would allow the Army Corp of Engineers inspectors on the site to assist in validating that determination. We have not heard directly from the Hayes family, but they are pretty much as cooperative as the Bergeron family is. The challenges on this site that we have spoken about in the past are the Broward County Land Development Code that requires two access points for high school sites and initially up until tonight, it was our intent to vacate Southwest 36th Street or Manatee Isles Drive from the Buddhist Retreat, westward to US 27 and we figured that we would have to build 197th Avenue, which would go from South Post Road, south to Griffin Road. Mr. Hekmat did a cost estimate for us a number of months ago at about \$8 million. We then started working with the School Board and they said to just keep 36th Street open and that will take care of things, so that is one of the reasons why we ask you to take action this evening to amend our Comp Plan and enable us the latitude to keep 36th Street open, should we need it in anticipation of the school being located there. That might present a problem for the South Florida Water Management District and we do not know for certain that it will or how they would work around it, but certainly having 36th Street remain in service would eliminate the need to construct 197th Street at a rather large cost. We would be required to do certain roadway improvements in order to make the high school traffic circulation work and that would be certain improvements to Manatee Isles Drive from South Post Road out to the high school site. If you recall, we approved a Work Authorization to Calvin Giordano to design Manatee Isles Drive similar to what we did on Country Isles Road and Three Village Road and they had started doing that until we ended up with the Bergeron site. I have asked them to stop the process until we figure out what we are going to do with the high school because what we really need to do is try to four-lane that roadway to have adequate access for the high school, rather than just keep the two lanes and adding a bike lane. We would also have to do roadway improvements on South Post Road to the north and south of Manatee Isles Drive and also signalize that intersection. There are forces out there that have put forth reports to the School Board trying to show why this will not work and it is basically the real estate broker who represents another property he is trying to convince the School Board to acquire, so things have not changed from where we were with the other sites since last June. The School Board happens to like this site and

it is as close as we can get to the student population. Would we rather be adjacent to the Regional Park, sure we would have, but the South Florida Water Management District is telling us we cannot have any of their land, so this is the next best place to be. From a traffic circulation standpoint, the site does work rather well. The School Board, when we first started talking about a school site in Weston, said the logical boundary would be Saddle Club Road; that being the case the students to the north of Saddle Club Road would access Saddle Club Road and take that to the roundabout in front of the Regional Park to access South Post Road and come down South Post Road while the students remaining at Cypress Bay, which are mainly in the Weston Hills Country Club area and everywhere to the east of that and south of Saddle Club Road, would still funnel down Royal Palm or Indian Trace, find their way to Bonaventure Boulevard and go down Bonaventure Boulevard, so there really would not be any vehicular conflict and the School Board has even said that they would stagger the start time purposely to avoid any potential conflict that could occur. I think the School Board is poised to go after this site and again making sure that they do not have any wetland issues as arose through the original Triple L site and to look to the School Board to get the authorization to proceed and the condemnation proceeding. This is the latest that I have as of the past few days. This has been a rather fluid process that changes from morning to afternoon, to the next morning, to the next afternoon and I would have liked to have gotten some further information from Mr. Garretson, but I really do not think anything has changed on their timetable as of yet. I just wanted to let you know that both parties are being very cooperative in working with the School Board and trying to facilitate this. They understand the urgency of the project and the School Board certainly understands the urgency and even though there has been a change from the prior Superintendent to an interim Superintendent that does not seem to alter the course that the staff has been taking and I really do not think they have missed a beat during that course in the change of administration. We will continue to work with them and should they choose this site we will be bringing back Work Authorizations to you for whatever work is needed on the traffic network. There may be some issues with 36th Street and we might bring back some Resolutions for you on December 4th, but I do not know that we will have them ready yet, but if we do we will bring them back and any other work that we need to do. I will not hesitate to call you back for a Special Meeting to get these things done because as I have told you before, once we started down this road to decide a high school in Weston that is our top priority right now, to get this done and to work with the School Board and do anything they need us to do to get it done. I will be happy to answer any questions you have and get any answer for you if we have an answer.

Mayor Hersh stated I would like to get rid of a rumor that is going around and that is, we are not advocating a super school. Apparently there are people out there saying that they think that is what we are proposing and in fact, we are working with the School Board on obtaining this land, but it would be an independent high school and not a super school annex of Cypress Bay. That is certainly their call and up to the School Board, but that is not what we are proposing.

Mr. Flint stated one of the things the School Board has realized also and from the folks that we are working with at the School Board, they are certainly not advocating that either. There is a reason why high schools are designed in the 2,500 to 3,000 student range and that is so there is room for participation in all the events that the school has to offer, whether it is a Student Council President, being a valedictorian, participating on the football team, or the band, when you get into schools that are too big, it limits the participation opportunities of the students and that is where the disservice is done to the student. The School Board recognizes that and while it maybe expedient on a super school or cost-effective, when they say they are looking out for the students that is one of the reasons why they want a regular, stand-alone high school. One of the things I also made clear to the School Board was, they said we could build a school on 30 acres, it just would not have the recreational facilities, but I said no, we have to get the 40 to 45 acres because the last thing we want to do is have a first rate and a second rate high school. What is good for one school is good for the other and I have made the commitment to the School Board that we would do for this new school, exactly what we have done for Cypress Bay and that is provide the bleachers and lighting for the sports fields and everything else to treat everybody equal so that it really does not matter which school you go to, they are both going to have the same facilities.

Commissioner Chermak stated is Manatee Isles Drive going to be open to 27?

Mr. Flint stated we are looking right now to keep Manatee Isles Drive open all the way west to 27 because that means we would not have to build 197th Street.

Mayor Hersh stated just for clarification that might not be as easy as said. Obviously, we need to work this out with South Florida.

Commissioner Henriksson stated for the purpose of our residents that are watching this, the Site Review November 29th and 30th sounds great, but what is the process from that point forward? Does it mean that the school will start being built on January 1st? We have been taking baby steps toward this, but it is right around the corner, so what is a realistic timeframe?

Mr. Flint stated once the site review process has been accomplished and it goes through the School Board's process, we will authorize the staff to begin the acquisition process. The City Attorney can speak better to the condemnation process than I can, but there is going to be a

process to acquire the land and once they have a tentative agreement to acquire the land, they will begin the design process. They want this school built as quickly as we do and I cannot give you a timeframe. Originally they would have like to have opened for the 2009 school year, but I think we are realistically looking for the 2010 school year. The School Board is already looking at some conceptual design and we have told them that only the passive side of the school shall abut the Isles at Weston community, there shall be no athletic fields or parking areas abutting the Isles at Weston Community and they said great, they were glad they heard that now because they are already rotating the building and we will be calling the HOA at the Isles at Weston to ask for the opportunity to meet with them and let them know what is going on firsthand. In some respects this may further ease the traffic congestion by having the school there and in some respects they are going to have the peak hour congestion anyway, regardless. They are already separated by a water body from this parcel, so it is not like anybody is going to be directly abutting the school property, but we told them that basically the side or back of one of the buildings is what should face the residences so there would be no noise or no light intrusion to those residences and they are very amenable to that because it is early enough in the planning stages to be able to do that. Back to your question, I do not have a timeframe and a lot of it is going to depend on the timeliness of the condemnation that we have to go through and if we can do it quickly it might be easier than a standard transaction.

Mayor Hersh stated it might very well be because in speaking with Mr. Bergeron, even though it has to go through the condemnation, he is not going to fight it.

Mr. Flint stated he is looking for the tax advantage. He has also told us and the School Board that he very much wants Southwest 36th Street to stay open. He is concerned about the timeliness of our Fire Rescue response to his ranch property and rightly so. I think that is good that as a property owner, where Fire Rescue would access that route to his property, he certainly has a vested concern in keeping 36th Street open. Nothing in this process has been easy and I am sure that while I sounded very optimistic tonight, we have lots of hurdles to get over and if we take them one at a time, I think we are going to find a way to overcome them and move on. I think South Florida recognizes our need to have a school there and hopefully this does not impact their project significantly by trying to keep 36th Street open and if it does, we are going to look to them to come up with a solution and find us another way out, otherwise, we are not ready to vacate the right-of-way so quickly.

Commissioner Cheren stated you already answered one of my questions, which was that you were going to definitely get involvement of the HOA and the residents so we can make sure

that from the start, we have their input, we can find the best way of easing the traffic situations and making sure that the backside of the building is facing them so they do not have any of those possible intrusions into their homes. Thank you very much for being proactive in doing that.

Mr. Jaffe stated I want to thank each and every one of you for addressing the needs of Triple MMM and showing that as our number one priority in the City. I see there has been a lot of work done and I know Commissioner Stermer's opening remarks indicated what the priorities are for Triple M for our residents. I have been in communications with dozens of residents and I can verify that is the City's number one concern and I thank Mr. Flint for all of his time and I suggest Item 19B should have been at the top of the agenda, right before audience comments; that is how important it is. Thank you very much for your efforts to date.

Mayor Hersh stated before we adjourn this meeting I would like to inform the public of information concerning the next meeting that will take place here this evening. After this Commission adjourns I will open the regular meeting of the Town Foundation, Inc. The Town Foundation oversees cable television services for all residential properties within the Arvida developed portions of the City of Weston. The City Commission acts as the Board of Directors of the Town Foundation and from time to time, must conduct business on the Foundation's behalf. The Commissioners are not acting in their capacity as Commissioners during the Town Foundation meeting, but rather as Directors of a non-profit Florida Corporation. As indicated upon adjournment of the City Commission meeting, I will open the regular meeting of the Town Foundation. At this time having no further business before the City Commission I will adjourn that meeting and open the regular meeting of the Town Foundation, Inc.

TWENTIETH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 8:42 p.m.



Eric M. Hersh, Mayor