

TUESDAY  
JANUARY 19, 2010  
7:00 P.M.



WESTON CITY HALL  
17200 ROYAL PALM BOULEVARD  
WESTON, FLORIDA

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CITY COMMISSION  
REGULAR MEETING AGENDA

1. Roll Call
2. Pledge of Allegiance
3. Broward Sheriff's Office Law Enforcement Employee of the Month
4. Audience Comments
5. Consent Agenda
  - A. Commissioners' Items Removed for Later Discussion
  - B. Approval of Balance of Consent Agenda

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**CITY OF WESTON**

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**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.

6. A Resolution of the City Commission of the City of Weston, Florida, considering Application No. 09-2932, variance to permit a freestanding sign over a truck scale that exceeds the size and height restrictions in the zoning code, for the property located at the Seminole Travel Center, 4690 US Highway 27, Weston, Florida.

*Seminole Travel Center, Cat Scale Sign Variances (deferred from November 16, 2009 meeting)*

*Pages 5-25*

**END OF QUASI-JUDICIAL HEARING**

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7. An Ordinance of the City of Weston, Florida, amending Section 110.55, "Outdoor Seating or Bar Areas," and Section 111.06, "Extended Operating Hours with Alcoholic Beverage License," to provide for transferability of licenses; and providing for an effective date.

**Public Hearing and First Reading**

**Pages 26-30**

8. A Resolution of the City Commission of the City of Weston, Florida, allocating contributions to organizations complying with the City's established criteria, documentation requirements and procedures for charitable contributions for Fiscal Year 2009-2010.

**Pages 31-289**

9. Consent Agenda  
**CITY OF WESTON**

- A. A Resolution of the City Commission of the City of Weston, Florida, supporting H.R. 3745, the Community Access Preservation Act, that addresses critical and immediate threats to local educational and government access channels.

**Pages 290-296**

- B. A Resolution of the City Commission of the City of Weston, Florida, awarding Bid No. 2009-11 to ENCO, LLC, of Hollywood, Florida, for Weston Road Bus Stop Shelters, Calvin, Giordano & Associates, Inc., Project No. 08-2271.

**Pages 297-315**

- C. A Resolution of the City Commission of the City of Weston, Florida, authorizing and directing the City Attorney to file a Third Party Action against ValleyCrest Landscape Maintenance, Inc. and National Union Fire Insurance Company in the lawsuit styled Rene Garcia v. City of Weston and Hometown Concession, Inc.

**Pages 316-320**

**CITY OF WESTON AND INDIAN TRACE DEVELOPMENT DISTRICT**

- D. A Resolution of the City Commission of the City of Weston, Florida, and as the governing board of the Indian Trace Development District, authorizing the purchase of three new vehicles with the trade-in of two vehicles.

**Pages 321-331**

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

- E. 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 Minutes of the Special Meeting of the City Commission held on December 1, 2009 and the Minutes of the Regular Meeting of the City Commission of the City of Weston held on December 7, 2009.

**Pages 332-348**

10. Adjournment

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### 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 Tuesday, January 19, 2010 at 7:00 PM at Weston City Hall, 17200 Royal Palm Boulevard, Weston, Florida.

Present and constituting a quorum were:

Eric M. Hersh	Mayor
Mercedes G. Henriksson	Commissioner
Daniel J. Stermer	Commissioner
Murray Chermak	Commissioner
Angel Gomez	Commissioner

Also present were:

John R. Flint	City Manager
David E. Keller	Assistant City Manager/CFO
Jeffrey L. Skidmore	Assistant City Manager/COO
Jamie Alan Cole	City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske
Karen Lieberman	Assistant City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske
Chad Friedman	Assistant City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske
Patricia A. Bates	City Clerk
Shelley Eichner	Vice-President, Calvin, Giordano & Associates
Sarah Sinatra	Director of Development Services, Calvin, Giordano & Associates
Karl Kennedy	City Engineer, Calvin, Giordano & Associates
Denise Barrett	Director of Communications
Don Decker	Director of Parks and Recreation
Drew Gilmore	Director of Landscaping
Brad Kaine	Director of Public Works
Darrel Thomas	Treasurer
Steven Murray	MuniTech LLC
Cosmo Tornese	Building Official, C.A.P. Government, Inc.
Chief John Frailey	BSO DFRES – Weston
Chief Greg Page	BSO DLE – Weston
Daniel Mulieri	Resident
Joel Fass	Board of Directors, Area Agency on Aging
Hal Herman	Board of Directors, Women In Distress of Broward County, Inc.
Nicole Gargotta	Grants and Marketing Manager, Women In Distress of Broward County, Inc.
Eleanor Fuhr	Family Central, Inc.

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mayor Hersh called the meeting to order at 7:00 PM.  
City Clerk Patricia Bates called the roll.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The City Commission led the Pledge of Allegiance.

**THIRD ORDER OF BUSINESS**

**Presentation**

Broward Sheriff's Office Law Enforcement Employee of the Month – Deputy Kari Pallotto, Crime Prevention Specialist

**ANNOUNCEMENTS**

- BSO urges residents to lock all vehicles. Over 60% of car burglaries in Weston are unlocked vehicles.
- The Broward Sheriff's Office has teamed up with Food for the Poor in Haitian relief efforts. All three fire stations in Weston, along with BSO fire stations throughout the county will collect items for delivery. The only items accepted at the fire stations are: canned meat or fish, evaporated and condensed milk and water. Monetary donations are most needed. BSO has a link on their website, [www.sheriff.org/haiti](http://www.sheriff.org/haiti), where donations can be made. A list of Weston Fire Stations is available on our city website.
- On Saturday, January 23<sup>rd</sup> at 10 a.m. at the Cypress Bay Theater, the City will present professional theater for children with the timeless classic "Cinderella." Tickets are available for \$10 in advance at the Weston Community Center or can be purchased for \$15 at the theater box office.
- The next Free Moonlight Movie in the Park will be presented on Saturday, January 23<sup>rd</sup>. The feature film "Ice Age 3" begins at 7:30 p.m. in the Weston Regional Park at the Event Stage.
- A free event for kids, ages 3-10, is happening on Saturday, January 30<sup>th</sup> at the Weston Community Center where the puppet show "The Shadow" will be presented at 1:30 p.m. and 3:00 p.m. Children must be accompanied by an adult.

- On January 30<sup>th</sup> at 8:00 p.m. at the Cypress Bay Theater, the City of Weston will proudly kick off the Weston Symphony Series with "*From Opera to Broadway*." Tickets are \$20 in advance, \$10 for students or \$25 at the door. Tickets can be purchased at the Weston Community Center, the Community Bank of Broward, Weston Branch or at Comerica Bank in Weston.
- Weston's free residential bulk trash pick-up will be taking place on: January 20, January 21, January 22 OR on January 23 for multi-family. For single family homes, bulk trash collection is on your regularly scheduled collection day and must be placed curbside by 7 a.m. For multi-family units with dumpster service, place items alongside the community's dumpster by 7 a.m. on Saturday, January 23. Items that are not collected will be picked up the following day.

#### **FOURTH ORDER OF BUSINESS**

#### **Audience Comments**

Daniel Mulieri, Resident

Joel Fass, Resident

#### **FIFTH ORDER OF BUSINESS**

#### **Consent Agenda**

##### **A. Commissioners' Items Removed for Later Discussion**

Commissioners' Items Removed for Later Discussion   9-B  

##### **B. Approval of the balance of the Consent Agenda**

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

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

## ANNOUNCEMENT

Pursuant to Florida Statutes 286.011(8), there will be an Attorney-Client session attended by Mayor Eric M. Hersh, Commissioner Daniel J. Stermer, Commissioner Murray Chermak, Commissioner Mercedes G. Henriksson, Commissioner Angel M. Gomez, City Manager John R. Flint, City Attorney Jamie Alan Cole, and Assistant City Attorney Daniel Abbott at 11:00 a.m. on Wednesday, January 20, 2010, in the Conference Room at Weston City Hall, 17200 Royal Palm Boulevard, Weston, Florida. The subject matter of the meeting shall be settlement negotiations and strategy related to litigation expenditures in the litigation styled: The Sagemont School, L.L.C. and The Sagemont Upper School, L.L.C. v. The City of Weston.

## QUASI-JUDICIAL HEARING

City Attorney Jamie Cole read the Quasi-Judicial procedures into the record. City Clerk Patricia Bates confirmed advertising compliance for Item 6.

## SIXTH ORDER OF BUSINESS

**Resolution No. 2010-01 of the City Commission of the City of Weston, Florida, considering Application No. 09-2932, variance to permit a freestanding sign over a truck scale that exceeds the size and height restrictions in the zoning code, for the property located at the Seminole Travel Center, 4690 US Highway 27, Weston, Florida.**

***Seminole Travel Center, Cat Scale Sign Variances (Deferred from November 16, 2009 Meeting)***

The Resolution was read into the record by title. Sarah Sinatra, Director of Development Services, presented for the City. The item was opened for public comment. No comment from the public.

Commissioner Stermer moved to approve Resolution No. 2010-01. Commissioner Henriksson seconded the motion.
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Roll call vote on Resolution No. 2010-01.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Gomez voted yes.  
Mayor Hersh voted yes.

## END OF QUASI-JUDICIAL HEARING

### SEVENTH ORDER OF BUSINESS

**An Ordinance of the City of Weston, Florida, amending Section 110.55, "Outdoor Seating or Bar Areas," and Section 111.06, "Extended Operating Hours with Alcoholic Beverage License," to provide for transferability of licenses; and providing for an effective date.**

*Public Hearing and First Reading*

The Ordinance was read into the record by title. This is a Public Hearing and First Reading. The item was opened for public comment. No comment from the public.

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 Gomez voted yes.  
Mayor Hersh voted yes.

### EIGHTH ORDER OF BUSINESS

**Resolution No. 2010-02 of the City Commission of the City of Weston, Florida, allocating contributions to organizations complying with the City's established criteria, documentation requirements and procedures for charitable contributions for Fiscal Year 2009-2010.**

The Resolution was read into the record by title. The item was opened for public comment.

Joel Fass - Board of Directors, Area Agency on Aging, Hal Herman - Board of Directors, Women In Distress of Broward County, Inc., Nicole Gargotta - Grants and Marketing Manager, Women In Distress of Broward County, Inc., and Eleanor Fuhr - Family Central, Inc. commented from the public.

City Manager John Flint and Assistant City Manager/CFO David Keller answered questions from the City Commission.

Commissioner Gomez moved to approve Resolution No. 2010-02 and waive the procedures for charitable contributions and direct the City Manager to have the City contribute 101% of last year's contribution. The contribution to Women In Distress is subject to the proper documentation being submitted to the City regarding the Matching Funds requirement.  
Commissioner Stermer seconded the motion.

Roll call vote on Resolution No. 2010-02.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Gomez voted yes.  
Mayor Hersh voted yes.

## **NINTH ORDER OF BUSINESS**

## **Consent Agenda**

Item 9-B was removed from the Consent Agenda for discussion.

**B. A Resolution of the City Commission of the City of Weston, Florida, awarding Bid No. 2009-11 to ENCO, LLC, of Hollywood, Florida, for Weston Road Bus Stop Shelters, Calvin, Giordano & Associates, Inc., Project No. 08-2271.**

The Resolution was read into the record by title. The item was opened for public comment.

No comment from the public. City Manager John Flint provided a description and current status of the project.

Commissioner Henriksson moved to approve Resolution No. 2010-04.  
Commissioner Gomez seconded the motion.

Roll call vote on Resolution No. 2010-04.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Gomez voted yes.  
Mayor Hersh voted yes

***CITY OF WESTON***

- A. Resolution No. 2010-03 of the City Commission of the City of Weston, Florida, supporting H.R. 3745, the Community Access Preservation Act, that addresses critical and immediate threats to local educational and government access channels.
- B. Resolution No. 2010-04 of the City Commission of the City of Weston, Florida, awarding Bid No. 2009-11 to ENCO, LLC, of Hollywood, Florida, for Weston Road Bus Stop Shelters, Calvin, Giordano & Associates, Inc., Project No. 08-2271.
- C. Resolution No. 2010-05 of the City Commission of the City of Weston, Florida, authorizing and directing the City Attorney to file a Third Party Action against ValleyCrest Landscape Maintenance, Inc. and National Union Fire Insurance Company in the lawsuit styled Rene Garcia v. City of Weston and Hometown Concession, Inc.

***CITY OF WESTON AND INDIAN TRACE DEVELOPMENT DISTRICT***

- D. Resolution No. 2010-06 of the City Commission of the City of Weston, Florida, and as the governing board of the Indian Trace Development District, authorizing the purchase of three new vehicles with the trade-in of two vehicles.

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

- E. Resolution No. 2010-07 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 Minutes of the Special Meeting of the City Commission held on December 1, 2009 and the Minutes of the Regular Meeting of the City Commission of the City of Weston held on December 7, 2009.

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

**TENTH ORDER OF BUSINESS**

The meeting adjourned at 7:43 PM.

**Adjournment**

A handwritten signature in black ink, appearing to read "E. Hersh", written over a horizontal line.

Eric M. Hersh, Mayor