

MONDAY
MARCH 16, 2009
7:00 P.M.



WESTON CITY HALL
17200 ROYAL PALM BOULEVARD
WESTON, FLORIDA

**CITY COMMISSION
REGULAR MEETING AGENDA**

1. Roll Call
2. Pledge of Allegiance
3. Broward Sheriff's Office Fire Rescue Employee of the Month
4. Audience Comments
5. 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.

6. A Resolution of the City Commission of the City of Weston, Florida, considering Application No. 09-2149, special exception to allow a 4,942 square foot cigar bar, including retail cigar sales and a membership lounge, for the property located at 1630 Bell Tower Lane.
Dynamic Cigar Group Special Exception *Pages 4-26*

END OF QUASI-JUDICIAL HEARING

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7. An Ordinance of the City of Weston, Florida, amending Section 51.08, "Fees," to provide that a utility deposit shall not be refundable until the utility account is satisfied and closed; and providing for an effective date.
Second and Final Reading *Pages 27-31*

8. An Ordinance of the City of Weston, Florida, amending Sections 31.20 "Planning and Zoning Advisory Board," 158.17 "Special Districts," and 159.004 "Advertising and Notice Requirements" by deleting all references to the Planning and Zoning Advisory Board; and providing for an effective date.
Public Hearing and First Reading *Pages 32-42*

9. An Ordinance of the City of Weston, Florida, amending Chapter 32, "Taxes, Fees and Costs," by creating Section 32.70, "Payments Received by the City," to provide procedures for the City's receipt of partial payments; and providing for an effective date.
Public Hearing and First Reading *Pages 43-47*

10. Consent Agenda
CITY OF WESTON
 - A. A Resolution of the City Commission of the City of Weston, Florida, extending the contract with Garden Leader Corp. for Regional Park grounds maintenance.
Pages 48-54

 - B. A Resolution of the City Commission of the City of Weston, Florida, approving the Subgrant Agreement with the State of Florida, Office of Criminal Justice Grants, Florida Department of Law Enforcement for the City of Weston/Broward Sheriff's Office Police Services Academy Program.
Pages 55-90

11. 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, March 16, 2009 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
Denise Barrett	Director of Communications
Donald Decker	Director of Parks and Recreation
Drew Gilmore	Director of Landscaping
Brad Kaine	Director of Public Works
Darrel Thomas	Treasurer
Richard Ropke	Utilities Manager
Dennis J. Giordano	President, Calvin, Giordano & Associates
Sarah Sinatra	Director of Development Services, Calvin, Giordano & Associates
Karl Kennedy	City Engineer, Calvin, Giordano & Associates
Steven Murray	Municipal Technologies LLC
Cosmo Tornese	Building Official, C.A.P. Government, Inc.
Chief Greg Page	BSO DLE - Weston
Chief John Frailey	BSO DFRES – Weston
Manny Torres	President, Galveston Projects, LLC
Manuel Synalovski, AIA	Cuebellis, 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

Imagine Charter School at Weston Student Council led the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

Presentations

- A. Broward Sheriff's Office Fire Rescue Employee of the Month - None
- B. 25 Year Anniversary Pin Presentation to Richard Ropke, Utilities Manager.

ANNOUNCEMENTS

- BSO urges residents to lock all vehicles. Over 60% of car burglaries in Weston are unlocked vehicles.
- Saturday, March 21st Free Moonlight Movie in the Park "Fantastic 4 – Rise of the Silver Surfer" at 7:30 pm - Weston Regional Park Event Stage.
- Saturday, March 21st "Weston Bike Safety Day" from 10:00 am to Noon – Outside at the Sheinberg Family YMCA of Weston.
- Saturday, March 21st Free Professional Puppet Shows: "Shadow Puppet Story Time" at 1:30 pm and 3:30 pm – Weston Community Center.
- Vote online prior to March 29th at www.westonfl.org for the April 2009 Moonlight Movie in the Park to be shown on Saturday, April 11th at 8:00 pm, Weston Regional Park.
- Eagle Point Park is re-opened, the resurfacing has been completed.
- City of Weston has joined with Broward County's "March on Hunger" and hopes to be a major contributor in the fight against hunger within our County. Collection Trailer in Weston Regional Park is open Monday-Friday from 3:00 pm to 8:00 pm and Saturday & Sunday from Noon to 5:00 pm.

FOURTH ORDER OF BUSINESS

Audience Comments

Manny Torres, President-Galveston Projects, LLC

FIFTH ORDER OF BUSINESS

Consent Agenda

A. Commissioners' Items Removed for Later Discussion

Commissioners' Items Removed for Later Discussion 10-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 Consent Agenda.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes.

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. 2009-21 of the City Commission of the City of Weston, Florida, considering Application No. 09-2149, special exception to allow a 4,942 square foot cigar bar, including retail cigar sales and a membership lounge, for the property located at 1630 Bell Tower Lane.
Dynamic Cigar Group Special Exception

The Resolution was read into the record by title.

Manuel Synalovski, AIA of Cuebellis, Inc. gave the applicant presentation.

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 add the condition of no smoking in the outdoor seating area during events at Linear Park.
Commissioner Henriksson seconded the motion.

Roll call vote on adding the condition of no smoking in the outdoor seating area during events at Linear Park.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes.

Commissioner Stermer moved to approve Resolution No. 2009-21.
Commissioner Chermak seconded the motion.

Roll call vote on Resolution No. 2009-21.
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

Ordinance No. 2009-06 of the City of Weston, Florida, amending Section 51.08, "Fees," to provide that a utility deposit shall not be refundable until the utility account is satisfied and closed; and providing for an effective date.
Second and Final Reading

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

Commissioner Stermer moved to approve Ordinance No. 2009-06.
Commissioner Henriksson seconded the motion.

Roll call vote on Ordinance No. 2009-06.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes.

EIGHTH ORDER OF BUSINESS

An Ordinance of the City of Weston, Florida, amending Sections 31.20 "Planning and Zoning Advisory Board," 158.17 "Special Districts," and 159.004 "Advertising and Notice Requirements" by deleting all references to the Planning and Zoning Advisory Board; 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 Gomez 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 no.

NINTH ORDER OF BUSINESS

An Ordinance of the City of Weston, Florida, amending Chapter 32, "Taxes, Fees and Costs," by creating Section 32.70, "Payments Received by the City," to provide procedures for the City's receipt of partial payments; 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 Gomez 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.

TENTH ORDER OF BUSINESS

Consent Agenda

Item 10-B was removed from the consent agenda for discussion.

- B. Resolution No. 2009-23 of the City Commission of the City of Weston, Florida, approving the Subgrant Agreement with the State of Florida, Office of Criminal Justice Grants, Florida Department of Law Enforcement for the City of Weston/Broward Sheriff's Office Police Services Academy Program.**

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

No comment from the public.

Commissioner Henriksson moved to approve Resolution No. 2009-23.
Commissioner Gomez seconded the motion.

Roll call vote on the Resolution No. 2009-23.
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. 2009-22 of the City Commission of the City of Weston, Florida, extending the contract with Garden Leader Corp. for Regional Park grounds maintenance.**
- B. Resolution No. 2009-23 of the City Commission of the City of Weston, Florida, approving the Subgrant Agreement with the State of Florida, Office of Criminal Justice Grants, Florida Department of Law Enforcement for the City of Weston/Broward Sheriff's Office Police Services Academy Program.**

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

ELEVENTH ORDER OF BUSINESS

The meeting adjourned at 7:30 PM.

Adjournment



Eric M. Hersh, Mayor