

MONDAY
APRIL 7, 2008
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 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

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. An Ordinance of the City of Weston, Florida, rezoning property located at 1585 North Park Drive, consisting of approximately 1.19 Acres, from Office District (O-1) to Commercial District (C-1); and providing for an effective date. *Daniel David Hair Salon and Spa*
Public Hearing and First Reading *Pages 5-25*

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

END OF QUASI-JUDICIAL HEARING

7. An Ordinance of the City of Weston, Florida, amending Chapter 12, "Definitions," of the Code of Ordinances to amend the definition of a "Business, Profession or Occupation" and to add definitions relevant to Business Tax Receipts; repealing existing sections of Chapter 110, "Licenses and Business Regulations" relating to Business Tax Receipts; adopting new sections of Chapter 110, "Business Tax Receipts and Business Regulations;" reorganizing and renumbering existing sections of Chapter 110 relating to specific businesses and business regulations; amending Section 110.99, "Penalty," to update cross references contained therein; and providing for an effective date.

Second and Final Reading

Pages 26-41

8. A Resolution of the City Commission of the City of Weston, Florida, sunsetting the Weston Business Tax Equity Study Advisory Board.

Pages 42-45

9. An Ordinance of the City of Weston, Florida, amending the City's Comprehensive Plan to provide for the State mandated requirements of Public School Concurrency by amending Chapter 6 "Intergovernmental Coordination Element," Chapter 7 "Capital Improvements Element," and by creating Chapter 9 "Public School Facilities Element;" and providing for an effective date.

Second and Final Reading

Pages 46-238

10. An Ordinance of the City of Weston, Florida, amending Section 12.01, "Definitions," to add and amend certain definitions relevant to Flood Damage Prevention, amending Section 152.36, "Specific Standards," to update the Flood Damage Prevention Provisions; and providing for an effective date.

Second and Final Reading

Pages 239-245

11. A Resolution of the City Commission of the City of Weston, Florida, appointing a member to the Planning and Zoning Advisory Board; and providing for an effective date.

Pages 246-249

12. **CONSENT AGENDA**
CITY OF WESTON

- A. A Resolution of the City Commission of the City of Weston, Florida, approving the Minutes of the Regular Meeting of the City Commission of the City of Weston held on March 17, 2008.

Pages 250-264

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

- B. 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 "Second Amendment to the Amended and Restated Professional Services Agreement Between the City of Weston, Florida and Calvin, Giordano & Associates, Inc."

Pages 265-287

13. 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, April 7, 2008 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 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
Anthony Soroka	Assistant City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske
Patricia A. Bates	City Clerk
Dennis Giordano	President, Calvin, Giordano & Associates
Shelley Eichner	Vice-President, Calvin, Giordano & Associates
Karl Kennedy	City Engineer, Calvin, Giordano & Associates
David Hennis	Director of Development Services, Calvin, Giordano & Associates
Don Decker	Director of Parks and Recreation
Brad Kaine	Director of Public Works
Drew Gilmore	Director of Landscaping
Denise Barrett	Director of Communications
Gina Landry	Assistant to the City Manager
Darrel Thomas	Treasurer
Steven Murray	Municipal Technologies LLC
Cos Tornese	Building Official, C.A.P. Government, Inc.
Chief Greg Page	BSO DLE - Weston
Chief John Frailey	BSO DFRES - Weston
Manuel Synalovski, AIA	Cubellis SGR

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

Indian Trace Elementary Safety Patrols led the Pledge of Allegiance.

ANNOUNCEMENTS

- The passing of former Weston Commissioner Edwin Jacobson was acknowledged.
- Broward Sheriff's Office Fire Marshal's Bureau - Arson Awareness essay contest for children in grades 3 thru 5. Contact the Fire Marshal's office at 954-831-8210.
- Broward Sheriff's Office reminds residents to lock your vehicles. Last year, 64% of the car burglaries in Weston were to unlocked vehicles.

THIRD ORDER OF BUSINESS

Presentations

Business Tax Equity Study Board Recognition –Thomas M. Kallman, Steven Chess, David Eigliarsh, Nugene E. Harvey, Jr., Cathy Smith, Fred Burgess, Edward Dikes, Carlton “Chip” Rowand, Virgilio Vega, III

Proclamation – Water Conservation Month accepted by Carole S. Morris, Lead Intergovernmental Representative-South Florida Water Management District

Proclamation – Honoring Joshua Hoffman accepted by the Hoffman Family

FOURTH ORDER OF BUSINESS

Audience Comments

None.

FIFTH ORDER OF BUSINESS

Consent Agenda

A. Commissioners' Items Removed for Later Discussion

Commissioners' Items Removed for Later Discussion N/A

B. Approval of Consent Agenda

Commissioner Stermer moved to approve the Consent Agenda. Commissioner Henriksson 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

The Quasi-Judicial Hearing for Item 6 was waived by the City Commission with the consent of Manuel Synalovski of Cubellis SGR for the applicant.

SIXTH ORDER OF BUSINESS

Mayor Hersh stated Item 6 on tonight's agenda proposes to amend the City's zoning map. Pursuant to State Law, this type of Item is to be reviewed by the Local Planning Agency and considered by the City Commission. As permitted by Section 163.3174 of the Florida Statutes, the City Commission also serves as the Local Planning Agency, therefore, the City Commission, both in our capacity as Local Planning Agency and as the governing body of the City, will hear the following Item.

An Ordinance of the City of Weston, Florida, rezoning property located at 1585 North Park Drive, consisting of approximately 1.19 Acres, from Office District (O-1) to Commercial District (C-1); and providing for an effective date.

Public Hearing and First Reading

Daniel David Hair Salon and Spa

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

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.

END OF QUASI-JUDICIAL HEARING

SEVENTH ORDER OF BUSINESS

Ordinance No. 2008-04 of the City of Weston, Florida, amending Chapter 12, "Definitions," of the Code of Ordinances to amend the definition of a "Business, Profession or Occupation" and to add definitions relevant to Business Tax Receipts; repealing existing sections of Chapter 110, "Licenses and Business Regulations" relating to Business Tax Receipts; adopting new sections of Chapter 110, "Business Tax Receipts and Business Regulations;" reorganizing and renumbering existing sections of Chapter 110 relating to specific businesses and business regulations; amending Section 110.99, "Penalty," to update cross references contained therein; 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 Henriksson moved to approve the Ordinance No. 2008-04.
Commissioner Stermer seconded the motion.

Roll call vote on Ordinance No. 2008-04.
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. 2008-49 of the City Commission of the City of Weston, Florida, sunsetting the Weston Business Tax Equity Study Advisory Board.

The Resolution was read into the record by title.

The item was opened for public comment. No comment from the public.

Commissioner Stermer moved to approve Resolution No. 2008-49.
Commissioner Gomez seconded the motion.

Roll call vote on Resolution No. 2008-49.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes.

NINTH ORDER OF BUSINESS

Ordinance No. 2008-05 of the City of Weston, Florida, amending the City's Comprehensive Plan to provide for the State mandated requirements of Public School Concurrency by amending Chapter 6 "Intergovernmental Coordination Element," Chapter 7 "Capital Improvements Element," and by creating Chapter 9 "Public School Facilities Element;" 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.

Mayor Hersh stated pursuant to Florida Statutes 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 9, please place your name and address on the sign-in form in the back of the room.

The item was opened for public comment. No comment from the public.

Commissioner Stermer moved to approve Ordinance No. 2008-05.
Commissioner Gomez seconded the motion.

Roll call vote on Ordinance No. 2008-05.
Commissioner Stermer voted yes
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes.

TENTH ORDER OF BUSINESS

Ordinance No. 2008-06 of the City of Weston, Florida, amending Section 12.01, "Definitions," to add and amend certain definitions relevant to Flood Damage Prevention, amending Section 152.36, "Specific Standards," to update the Flood Damage Prevention Provisions; 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. 2008-06.
Commissioner Henriksson seconded the motion.

Roll call vote on Ordinance No. 2008-06.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes.

ELEVENTH ORDER OF BUSINESS

Resolution No. 2008-50 of the City Commission of the City of Weston, Florida, appointing a member to the Planning and Zoning Advisory Board; and providing for an effective date.

The Resolution was read into the record by title.

The item was opened for public comment. No comment from the public.

Commissioner Gomez moved to approve Resolution No. 2008-50 appointing Fabio Andrade to the Planning and Zoning Advisory Board.
Commissioner Stermer seconded the motion.

Roll call vote on Resolution No. 2008-50.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes.

The following item was added as a matter of timeliness to enable its presentation the following day at the Broward County Commission public hearing.

ITEM NO. 11-A

Resolution No. 2008-48 of the City Commission of the City of Weston, Florida, requesting the Broward County Board of County Commissioners to retain Broward County mass transit service in the City of Weston.

The Resolution was read into the record by title.

The item was opened for public comment. No comment from the public.

Commissioner Stermer moved to approve Resolution No. 2008-48.
Commissioner Henriksson seconded the motion.

Roll call vote on Resolution No. 2008-48.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes.

TWELFTH ORDER OF BUSINESS

Consent Agenda

CITY OF WESTON

- A. Resolution No. 2008-51 of the City Commission of the City of Weston, Florida, approving the Minutes of the Regular Meeting of the City Commission of the City of Weston held on March 17, 2008.

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

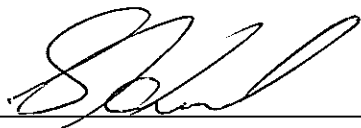
- B. Resolution No. 2008-52 of the City Commission of the City of Weston, Florida, and as the governing board of the Indian Trace Development District, and as the governing board of the Bonaventure Development District, approving the "Second Amendment to the Amended and Restated Professional Services Agreement Between the City of Weston, Florida and Calvin, Giordano & Associates, Inc."

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

THIRTEENTH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 7:30 PM.



Eric M. Hersh, Mayor