

MONDAY  
MAY 4, 2009  
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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6. An Ordinance of the City of Weston, Florida, creating Section 11.11, "Public Records," to provide that in response to certain public records requests, the City shall require an advanced deposit and payment of all outstanding fees and charges related to previous public records requests made by the same person; and providing for an effective date.  
***Public Hearing and First Reading*** ***Pages 6-19***
7. Consent Agenda  
***CITY OF WESTON***
  - A. A Resolution of the City of Weston, Florida, amending the budget of the City of Weston for Fiscal Year 2008/2009 commencing October 1, 2008 and ending September 30, 2009; and providing for an effective date. ***Pages 20-30***

- B. A Resolution of the City of Weston, Florida, finding that acquisition of private property through eminent domain serves a public purpose and is necessary for creation of a communications corridor, for its consistent and perpetual maintenance, and for the consistent and perpetual maintenance of all communications facilities to be constructed within it; authorizing the City Attorney's office to initiate eminent domain proceedings; authorizing the City Attorney's office to retain expert witnesses and consultants and take further actions that are reasonably required to acquire the property described in Exhibit "A."  
**Pages 31-36**
- C. A Resolution of the City Commission of the City of Weston, Florida, approving the 2009 Amendment to Interlocal Agreement between Broward County and the City of Weston Providing for Division and Distribution of the Proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance.  
**Three-cent local option gas tax** **Pages 37-48**
- D. A Resolution of the City Commission of the City of Weston, Florida, approving the 2009 Amendment to Interlocal Agreement between Broward County and the City of Weston providing for Division and Distribution of the Proceeds from the Broward County Fifth Cent Additional Local Option Gas Tax on Motor Fuel for Transit.  
**One-cent local option gas tax** **Pages 49-60**
- E. A Resolution of the City Commission of the City of Weston, Florida, approving the 2009 Amendment to Interlocal Agreement between Broward County and the City of Weston providing for Division and Distribution of the Proceeds of the Local Option Gas Tax imposed by the Broward County Local Option Gas Tax Ordinance.  
**Six-cent local option gas tax** **Pages 61-72**
- F. A Resolution of the City Commission of the City of Weston, Florida, approving a Joint Participation Agreement between Florida League of Cities, Inc., and the City of Weston for assisting with the collection of past-due business taxes from insurance companies.  
**Pages 73-86**
- G. 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 April 6, 2009.  
**Pages 87-95**

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

- H. A Resolution of the City Commission of the City of Weston, Florida, as the governing board of the Indian Trace Development District, amending the budget of the Indian Trace Development District for Fiscal Year 2008/2009 commencing October 1, 2008 and ending September 30, 2009; and providing for an effective date.  
**Pages 96-104**

- I. A Resolution of the City Commission of the City of Weston, Florida, and the governing board of the Indian Trace Development District, awarding Bid No. 2009-05 to Tenex Enterprises, Inc., of Pompano Beach, Florida, for the Weston Utility Repairs Project, Calvin, Giordano & Associates, Inc., Project No. 96-2465.BB.

**Pages 105-116**

***CITY OF WESTON AND 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, amending the budget of the Bonaventure Development District for Fiscal Year 2008/2009 commencing October 1, 2008 and ending September 30, 2009; and providing for an effective date.

**Pages 117-124**

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

- K. 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, accepting the Comprehensive Annual Financial Report, for the Fiscal Year ended September 30, 2008.

**Pages 125-258**

- L. 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, establishing a revised and restated "Schedule of Fees to be Charged for Services Provided by the City of Weston."

**Pages 259-303**

- M. A Resolution of the City Commission of the City of Weston, Florida, and the governing board of the Indian Trace Development District, and the governing board of the Bonaventure Development District, awarding Bid No. 2009-06 to Downrite Engineering Corp. of Miami, Florida, for the Weston Concrete and Asphalt Project, Calvin, Giordano & Associates, Inc., Project No. 96-2465.AA.

**Pages 304-314**

8. 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 Monday, May 4, 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
Patricia A. Bates	City Clerk
Denise Barrett	Director of Communications
Donald Decker	Director of Parks and Recreation
Drew Gilmore	Director of Landscaping
Bradford Kaine	Director of Public Works
Darrel Thomas	Treasurer
Dennis J. Giordano	President, Calvin, Giordano & Associates
Shelley Eichner	Vice-President, 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
Toby Feuer	President of the Bonaventure President's Council

### 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**

Manatee Bay Elementary students led the Pledge of Allegiance.

**THIRD ORDER OF BUSINESS**

**Presentations**

Broward Sheriff's Office Law Enforcement Employee of the Month – None.

Proclamation – “Public Works Week” was accepted by Bradford Kaine, City of Weston Public Works Director.

**ANNOUNCEMENTS**

- BSO has launched CyberVision and encourages residents to sign-up online and receive email or text messages about various topics such as criminal activity and traffic information that may affect the residential and/or business communities.
- BSO urges residents to lock all vehicles. Over 60% of car burglaries in Weston are unlocked vehicles.
- Saturday, May 9<sup>th</sup> at 1:30 pm, Professional Theatre for Children, The Three Little Pigs at the Cypress Bay Theater.
- Sunday, May 17<sup>th</sup> from 8:00 AM until 3:00 PM, Household Hazardous Waste & Electronics Collection event at the Weston Public Works Services Center, located at 2599 South Post Road.
- Congratulations to Commissioner Henriksson honored as one of the “100 Outstanding Women of Broward County” by the Boys & Girls Club and the Susan B. Anthony Recovery Center.
- Congratulations to Commissioner Stermer who will be installed as the 2<sup>nd</sup> Vice-President of the Broward League of Cities, and on his reappointment as Chair of the Metropolitan Planning Organization for the third consecutive year.

**FOURTH ORDER OF BUSINESS**

**Audience Comments**

Toby Feuer, President of the Bonaventure President's Council

**FIFTH ORDER OF BUSINESS**

**Consent Agenda**

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

Commissioners' Items Removed for Later Discussion None

**B. Approval of the Consent Agenda**

Commissioner Stermer moved to approve 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.

**SIXTH ORDER OF BUSINESS**

**An Ordinance of the City of Weston, Florida, creating Section 11.11, "Public Records," to provide that in response to certain public records requests, the City shall require an advanced deposit and payment of all outstanding fees and charges related to previous public records requests made by the same person; 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

**SEVENTH ORDER OF BUSINESS**

**Consent Agenda**

***CITY OF WESTON***

- A. Resolution No. 2009-28 of the City of Weston, Florida, amending the budget of the City of Weston for Fiscal Year 2008/2009 commencing October 1, 2008 and ending September 30, 2009; and providing for an effective date.
- B. Resolution No. 2009-29 of the City of Weston, Florida, finding that acquisition of private property through eminent domain serves a public purpose and is necessary for creation of a communications corridor, for its consistent and perpetual maintenance, and for the consistent and perpetual maintenance of all communications facilities to be constructed within it; authorizing the City Attorney's office to initiate eminent domain proceedings; authorizing the City Attorney's office to retain expert witnesses and consultants and take further actions that are reasonably required to acquire the property described in Exhibit "A."
- C. Resolution No. 2009-30 of the City Commission of the City of Weston, Florida, approving the 2009 Amendment to Interlocal Agreement between Broward County and the City of Weston Providing for Division and Distribution of the Proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance. *Three-cent local option gas tax*
- D. Resolution No. 2009-31 of the City Commission of the City of Weston, Florida, approving the 2009 Amendment to Interlocal Agreement between Broward County and the City of Weston providing for Division and Distribution of the Proceeds from the Broward County Fifth Cent Additional Local Option Gas Tax on Motor Fuel for Transit. *One-cent local option gas tax*
- E. Resolution No. 2009-32 of the City Commission of the City of Weston, Florida, approving the 2009 Amendment to Interlocal Agreement between Broward County and the City of Weston providing for Division and Distribution of the Proceeds of the Local Option Gas Tax imposed by the Broward County Local Option Gas Tax Ordinance. *Six-cent local option gas tax*
- F. Resolution No. 2009-33 of the City Commission of the City of Weston, Florida, approving a Joint Participation Agreement between Florida League of Cities, Inc., and the City of Weston for assisting with the collection of past-due business taxes from insurance companies.
- G. Resolution No. 2009-34 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 April 6, 2009.

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

- H. Resolution No. 2009-35 of the City Commission of the City of Weston, Florida, as the governing board of the Indian Trace Development District, amending the budget of the Indian Trace Development District for Fiscal Year 2008/2009 commencing October 1, 2008 and ending September 30, 2009; and providing for an effective date.

- I. Resolution No. 2009-36 of the City Commission of the City of Weston, Florida, and the governing board of the Indian Trace Development District, awarding Bid No. 2009-05 to Tenex Enterprises, Inc., of Pompano Beach, Florida, for the Weston Utility Repairs Project, Calvin, Giordano & Associates, Inc., Project No. 96-2465.BB.

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

- J. Resolution No. 2009-37 of the City Commission of the City of Weston, Florida, as the governing board of the Bonaventure Development District, amending the budget of the Bonaventure Development District for Fiscal Year 2008/2009 commencing October 1, 2008 and ending September 30, 2009; and providing for an effective date.

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

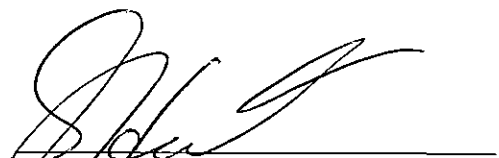
- K. Resolution No. 2009-38 of the City Commission of the City of Weston, Florida, and as the governing board of the Indian Trace Development District, and as the governing board of the Bonaventure Development District, accepting the Comprehensive Annual Financial Report, for the Fiscal Year ended September 30, 2008.
- L. Resolution No. 2009-39 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, establishing a revised and restated "Schedule of Fees to be Charged for Services Provided by the City of Weston."
- M. Resolution No. 2009-40 of the City Commission of the City of Weston, Florida, and the governing board of the Indian Trace Development District, and the governing board of the Bonaventure Development District, awarding Bid No. 2009-06 to Downrite Engineering Corp. of Miami, Florida, for the Weston Concrete and Asphalt Project, Calvin, Giordano & Associates, Inc., Project No. 96-2465.AA.

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

**EIGHTH ORDER OF BUSINESS**

The meeting adjourned at 7:11 PM.

**Adjournment**



Eric M. Hersh, Mayor