

MONDAY
JUNE 15, 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. Presentations
 - A. Broward Sheriff's Office Fire Rescue Employee of the Month
 - B. Senator Nan Rich - Legislative Wrap-up
4. Audience Comments
5. Consent Agenda
 - A. Commissioners' Items Removed for Later Discussion
 - B. Approval of Balance of Consent Agenda

CITY OF WESTON

6. An Ordinance of the City of Weston, Florida, reenacting Section 158.43, "Outdoor Sales," Section 158.44, "Outdoor Storage," reenacting Section 159.114, "Outdoor Storage;" and reenacting the amendment of Section 12.01, "Definitions," to provide regulations for outdoor storage and sales; and providing for an effective date.

Public Hearing and First Reading

Pages 4-10

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

7. Consent Agenda
CITY OF WESTON

- A. A Resolution of the City Commission of the City of Weston, Florida, awarding Bid No. 2009-09 to Tenex Enterprises, Inc., of Pompano Beach, Florida, for Manatee Isles Drive Roadway Improvements, Calvin, Giordano & Associates, Inc., Project No. 08-1935.
Pages 11-24
- B. A Resolution of the City Commission of the City of Weston, Florida, approving the Minutes of the Special Meeting of May 19, 2009 and Regular Meeting of the City Commission of the City of Weston held on June 1, 2009.
Pages 25-36

8. 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, June 15, 2009 at 7:22 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
Susan Trevarthen	Asst. City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske
Patricia A. Bates	City Clerk
Denise Barrett	Director of Communications
Andrew Gilmore	Director of Landscaping
Bradford Kaine	Director of Public Works
Dennis Giordano	President, Calvin, Giordano & Associates
Shelley Eichner	Vice-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 John Frailey	BSO DFRES – Weston
Lt. Jeff Tozzie	BSO DLE – Weston
State Senator Nan Rich	Florida Senate
Donald Wright	Drainage/Street Technician, Public Works
Toby Feuer	President of the Bonaventure Presidents Council
Daniel Mulieri	Resident
Ronald Bergeron	Resident

FIRST ORDER OF BUSINESS

Roll Call

Mayor Hersh called the meeting to order at 7:22 PM.

City Clerk Patricia Bates called the roll.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

State Senator Nan Rich led the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

Presentations

- A. Broward Sheriff's Office Fire Rescue Employee of the Month – None

- B. Recognition of Public Works Drainage/Street Technician Donald Wright, for assisting Florida Fish and Wildlife Conservation Commission with the capture of the "Weston Bear" on Sunday, May 31, 2009.

- C. State Senator Nan Rich - Legislative Update

ANNOUNCEMENTS

- Congratulations to Commissioner Stermer who was appointed as Chair of the Broward League of Cities Sustainability Committee.

- 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.

- Wi-Fi is installed and activated in Weston Regional Park providing all park visitors with access to free internet connectivity. Library Park will receive Wi-Fi by September.

- The City has been accepted as a participant in the Federal Emergency Management Agency's Community Rating System; achieving a Class 8 rating which entitles residents and businesses in the City to a 10% discount on new and renewed flood policies after May 1, 2009. FEMA's Community Rating System is the mechanism by which flood insurance policy premiums are determined. The economic impact is an average of \$44 per year savings per policy holder.

- The City of Sunrise, who provides water to the City of Weston, will hold a public hearing on July 14th at 6:30 PM to consider a Resolution which would substantially increase the water and wastewater utility rates and charges payable by City of Sunrise utility customers. The rate

increase being considered is 40%. All customers in the district have the right to participate in the hearing which will be held at 10770 W. Oakland Park Boulevard. Contact the Sunrise Commission office at 954-746-3250 with any questions.

- The next regularly scheduled City Commission Meeting has been moved from Monday July 6, 2009 to Thursday, July 2, 2009. City Commission Chambers at 7:00 PM.
- The Community Center is accepting applications for the July 4th Parade. Download an application at www.westonfl.org or call 954-389-4321. Entry is free.

FOURTH ORDER OF BUSINESS

Audience Comments

Toby Feuer, President of the Bonaventure President's Council
Daniel Mulieri, Resident

FIFTH ORDER OF BUSINESS

Consent Agenda

A. Commissioners' Items Removed for Later Discussion

Commissioners' Items Removed for Later Discussion 7-A

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.

SIXTH ORDER OF BUSINESS

Mayor Hersh stated, Item 6 on tonight's agenda proposes to amend the City's Land Development Code. 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, reenacting Section 158.43, "Outdoor Sales," Section 158.44, "Outdoor Storage," reenacting Section 159.114, "Outdoor Storage;" and reenacting the amendment of Section 12.01, "Definitions," to provide regulations for outdoor storage and sales; and providing for an effective date.

Public Hearing and First Reading

****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 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.

ITEM 6-A WAS ADDED TO THE AGENDA

A Resolution of the City Commission of the City of Weston, Florida, authorizing the City Attorney to file a lawsuit challenging Senate Bill 360 as being unconstitutional, and authorizing and directing the City Attorney and City Manager to encourage other local governments to join into this lawsuit.

The Resolution was read into the record by title. The item was opened for public comment. No comment from the public.

Assistant City Attorney Susan Trevarthen answered questions from the City Commission.

Commissioner Henriksson moved amend the Resolution to authorize and direct the City Manager and City Attorney to encourage other local governments to join Weston in filing a lawsuit challenging Senate Bill 360 as being unconstitutional.
Commissioner Gomez seconded the motion.

Roll call vote on the Motion.
Commissioner Stermer voted no.
Commissioner Henriksson voted yes.
Commissioner Chermak voted no.
Commissioner Gomez voted yes.
Mayor Hersh voted yes

Resolution 2009-49 of the City Commission of the City of Weston, Florida, authorizing and directing the City Manager and City Attorney to encourage other local governments to join Weston in filing a lawsuit challenging Senate Bill 360 as being unconstitutional.

Commissioner Henriksson moved to approve Resolution No. 2009-49 as amended.
Commissioner Gomez seconded the motion.

Roll call vote on Resolution No. 2009-49.
Commissioner Stermer voted no.
Commissioner Henriksson voted yes.
Commissioner Chermak voted no.
Commissioner Gomez voted yes.
Mayor Hersh voted yes

SEVENTH ORDER OF BUSINESS

Consent Agenda

Item 7-A was removed from the Consent Agenda for discussion.

- A. A Resolution of the City Commission of the City of Weston, Florida, awarding Bid No. 2009-09 to Tenex Enterprises, Inc., of Pompano Beach, Florida, for Manatee Isles Drive Roadway Improvements, Calvin, Giordano & Associates, Inc., Project No. 08-1935.**

The Resolution was read into the record by title. The item was opened for public comment. Ronald Bergeron commented from the public.

Commissioner Henriksson moved to approve Resolution No. 2009-50.
Commissioner Stermer seconded the motion.

Roll call vote on Resolution No. 2009-50.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes

CITY OF WESTON

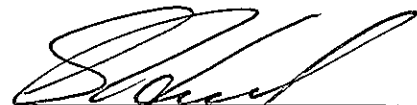
- A. Resolution No. 2009-50 of the City Commission of the City of Weston, Florida, awarding Bid No. 2009-09 to Tenex Enterprises, Inc., of Pompano Beach, Florida, for Manatee Isles Drive Roadway Improvements, Calvin, Giordano & Associates, Inc., Project No. 08-1935.
- B. Resolution No. 2009-51 of the City Commission of the City of Weston, Florida, approving the Minutes of the Special Meeting of May 19, 2009 and Regular Meeting of the City Commission of the City of Weston held on June 1, 2009.

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

EIGHTH ORDER OF BUSINESS

The meeting adjourned at 8:45 PM.

Adjournment


Eric M. Hersh, Mayor