

MONDAY  
JUNE 18, 2007  
7:00 P.M.



WESTON COMMUNITY CENTER  
20200 SADDLE CLUB ROAD  
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. An Ordinance of the City of Weston, Florida, rezoning the property located at 3250 Meridian Parkway, from I-1 Industrial to O-1 Office; and providing for an effective date.  
***Second and Final Reading (Deferred from March 19, 2007 and May 21, 2007)***  
***Pages 5-27***
7. A Resolution of the City Commission of the City of Weston, Florida, considering Application No. 06-5385, variance to allow an off-street parking deficit of twenty-five parking spaces, for the property located at 3250 Meridian Parkway.  
***3250 Meridian Parkway Variance (Deferred from March 19, 2007 and May 21, 2007)***  
***Pages 28-55***

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**END OF QUASI-JUDICIAL HEARING**

8. An Ordinance of the City of Weston, Florida, amending Section 92.02, "Commercial and Industrial/Office Developments; Undeveloped Land," to require a minor site plan amendment for changing the paint color of exterior surfaces; and providing for an effective date.

***Second and Final Reading***

***Pages 56-61***

9. **CONSENT AGENDA**

***CITY OF WESTON***

- A. A Resolution of the City Commission of the City of Weston, Florida, approving the Second Amendment to and Reaffirmation of the Estoppel and Subordination Agreement between the City and the YMCA for the Regional Park Site Lease.

***Pages 62-91***

- B. A Resolution of the City Commission of the City of Weston, Florida, approving an Agreement between Lori Parrish, as Broward County Property Appraiser, and the City of Weston for the Creation and Maintenance of a Non-Ad Valorem Assessment Roll for the City's Non-Ad Valorem Special Assessment for Single Family Residential Solid Waste Collection Services.

***Pages 92-101***

- C. A Resolution of the City Commission of the City of Weston, Florida, approving the minutes of the regular meetings of the City Commission of the City of Weston held on May 7, 2007, May 21, 2007, and June 4, 2007.

***Pages 102-175***

***CITY OF WESTON AND INDIAN TRACE DEVELOPMENT DISTRICT AND BONAVENTURE 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, and as the governing board of the Bonaventure Development District revising the "Schedule of Fees to be Charged for Services Provided by the City of Weston."

***Pages 176-180***

10. **COMMISSION/CITY MANAGER AGENDA REQUESTS**

- A. ***Daniel J. Stermer, Commissioner***

Discussion regarding a commemorative program.

***Pages 181-184***

11. 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, June 18, 2007 at 7:00 p.m. at the Weston Community Center, 20200 Saddle Club Road, Weston, Florida.

Present and constituting a quorum were:

Eric M. Hersh	Mayor
Sharon Cheren	Commissioner
Mercedes G. Henriksson	Commissioner
Daniel Stermer	Commissioner
Murray Chermak	Commissioner

Also present were:

John R. Flint	City Manager
David E. Keller	Assistant City Manager/CFO
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
Shelley Eichner	Vice President, Calvin, Giordano & Associates
Karl Kennedy	City Engineer Calvin, Giordano & Associates
David Hennis	Director of Development Services, Calvin, Giordano & Associates
Jeffrey Skidmore	Director of Community Services, Severn Trent
Don Decker	Parks and Recreation Manager, Severn Trent
Venetia Tiberi	Assistant Director of Communications, Severn Trent
Steven Murray	Municipal Technologies, LLC
Chief Greg Page	BSO DLE - Weston
Chief John Frailey	BSO DFRES - Weston
David Tringo	Building Official, C.A.P. Government, Inc.
Alan Posner	Parkland Resident

### FIRST ORDER OF BUSINESS

### Roll Call

Mayor Hersh called the meeting to order at 7:00 p.m.

Ms. Bates called the roll.

### SECOND ORDER OF BUSINESS

### Pledge of Allegiance

Mayor Hersh stated we are pleased to welcome Ms. Julie Cole, who will lead us in the Pledge of Allegiance. Julie is the daughter of our City Attorney, Jamie Cole and we thank her for coming this evening.

Ms. Julie Cole led the Pledge of Allegiance.

Mayor Hersh stated thank you very much and it is very special to have you here, being that your dad works with us each and every day in helping the City.

#### **ANNOUNCEMENTS:**

Mayor Hersh stated Phase 3 water restrictions are still in effect, despite the downpours of rain. Watering is restricted to one day per week and details on when residents can water are available on the City's website. Fines can be imposed for violators and for additional information please call the South Florida Water Management District at 1-800-662-8876. We ask that residents use water conservation measures in the home and to be extremely careful when using outdoor fires for cooking. In two and a half weeks, we will host Weston's 4<sup>th</sup> of July Hometown Celebration. If you call right away applications are still being accepted to be in the parade and there is no entry fee. Please call the Weston Community Center or download an application on the City's website. For details and the day's activities please log on to [www.westonfl.org](http://www.westonfl.org) or you can call the Community Center at 954-389-4321. The Weston Tennis Center is hosting a Summer Tennis Camp for children ages 6 and older, which runs through August 17<sup>th</sup> and both, full and half days are available. Summer Camp includes tennis, soccer, basketball, water sports and more. For details, please call the Weston Tennis Center at 954-389-8666. The Weston Branch Library is hosting weekly special events and activities for kids, teens, and adults throughout the summer months. Please give them a call for a complete listing of activities. The library is located on Bonaventure Boulevard and the phone number is 954-389-2098.

#### **THIRD ORDER OF BUSINESS**

#### **BSO Law Enforcement Employee of the Month**

Chief Page stated from time to time every month, normally what we are talking about is some type of property crime or an apprehension of some burglary or robbery suspects and tonight it is pretty much the same type of crime, but this one is rather interesting and it shows how the community can get together and work as a partnership. This is actually a successful conclusion to an event that led to the clearance of several cases here in the City involving local juveniles. With the cooperation of security personnel in Savanna, who you will be meeting shortly, we were called out in reference to some juvenile suspects that were apprehended for committing several car burglaries in our Savanna Development here in the City. Deputy Mobley was the deputy who

originally responded and he works the midnight shift here in the City. He was able to successfully take several juveniles into custody with the assistance of security and as a result, knowing that he had something important going on, he made the proper notifications to call a detective from our Criminal Investigation Unit, Detective Mike Kravec who is here this evening. Through their combined efforts in the apprehension of the juvenile suspects, successfully cleared by arrest, six car burglaries that had been committed recently in Weston Hills and Savanna and an additional residential burglary that was also committed in the same area, for their abilities, know-how and keen sense of duty, we have nominated these two individuals for Employees of the Month for the Month of May. It is a great privilege to present both of the gentlemen to you and I would like to congratulate them for their outstanding performance.

Mayor Hersh stated we would also like to call upon Mr. Sam Boyce to recognize him as well. Mr. Boyce assisted our Police Department in their efforts to apprehend the car burglary suspect that our deputy was just awarded Employee of the Month for. Mr. Boyce is a member of the security force in the Savanna Community and he is here with Mr. Andrew Dean, who is the Head of Security for the Savanna Community, who we would also like to thank for his cooperation and participation in making our community safer and present him with a Certificate. We also have a gift from the City Commission for the deputies.

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

#### **Audience Comments**

Mayor Hersh stated anyone wishing to speak during audience comments is asked to complete a comment card, located on the table at the back of the room. Bring the card to the podium and hand it to our staff when you come up to speak, as this will help us maintain proper public records. If you are here to speak on anything on tonight's agenda, you will have to wait until that Item comes up in order to speak and we ask that your comments be limited to 3 minutes. Staff responses to comments made last week are part of the Commission backup.

Mr. Alan Posner stated I live at 6152 NW 74<sup>th</sup> Court in Parkland. It is hard to condense four years of deceit in 3 minutes. One amongst you, without being specific, has engaged in a terror of deceit on my 80-year old mother-in-law. They were engaged in a friendship, family, and letters describing my mother-in-law as like a mother to her; nothing but love. Upon selling a property, this person, who is in the room and is a mortgage broker, secured a \$50,000 loan from my mother-in-law and I have a copy of the check with me. There were terms for repayment, one payment was made and for the last three years our attorneys have been trying to get this individual to respond to

the numerous, numerous letters that have been sent to her, many of which I have copies of with me also. One was actually accepted and signed for, but in the words of my attorney, many letters were sent and only one was signed for. I do not know what to do. The individual seems to be living the high life, selling her house, moving up north and talking about five series vehicles. I have a mother-in-law who has mold on her ceiling and still has not had the roof repaired after the last hurricane we had. The problem is that the attorneys do not want to take the case because a third of \$50,000 or a settlement is just not enough for them to go to work for. I really do not know what to do and I come to you because in your wisdom, I know that somebody might be able to assist me and make a recommendation. I have all the cards and letters that were sent, as well as a copy of the statute of the Florida Department of Finance that governs mortgage brokers, which says that a mortgage broker may not extol a borrower to purchase additional services and the loan was a purchase for interest. It is hidden under the cloak of a business, which my mother-in-law did not know and I expected her to be here, but unfortunately, they were delayed. This is a woman who had means and currently does not and she cries, not over the loss of the money, but because she thought she had a friend and it turns out, she didn't. I know when I write letters to someone who I describe as my mother, and mother calls, I call back.

Mayor Hersh stated we are going to add Item 8-A to the Agenda, which is a Broward County Interlocal Agreement and 8-B, which is an Agreement with the School Board.

## **FIFTH ORDER OF BUSINESS**

### **Consent Agenda**

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

Mayor Hersh asked are there any Items to be removed from the Consent Agenda? Seeing none is there a motion to approve?

#### **B. Approval of Balance 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 Cheren voted yes.  
Mayor Hersh voted yes.

## QUASI-JUDICIAL HEARING

### SIXTH ORDER OF BUSINESS

Mr. Cole stated advertising has not been met. Is that correct?

Ms. Bates stated that is correct.

Mr. Cole stated under our rules this is the second time advertising has not been met on Items 6 and 7 and the rules provide that failure of an applicant to satisfy the advertising requirements for the same item, two consecutive times, shall constitute sufficient grounds for denial of the application. The Commission has the choice of either voting to deny it for failure to meet the advertising or if you choose, you can defer the item to the next meeting or some other meeting to give them another chance to satisfy the advertising, which is something that is completely within the Commission's discretion. There is no 25-day requirement as there is for automatic deferrals.

Mayor Hersh stated I would suggest that we defer it to the July 2, 2007 meeting.

**An Ordinance of the City Commission of the City of Weston Florida, rezoning the property located at 3250 Meridian Parkway, from I-1 Industrial to O-1 Office; and providing for an effective date.**

*Second and Final Reading (Deferred from March 19, 2007 and May 21, 2007)*

Deferred to July 2, 2007.

### SEVENTH ORDER OF BUSINESS

**A Resolution of the City Commission of the City of Weston Florida, considering Application No. 06-5385, variance to allow an off-street parking deficit of twenty-five parking spaces, for the property located at 3250 Meridian Parkway.**

*3250 Meridian Parkway Variance (Deferred from March 19, 2007 and May 21, 2007)*

Deferred to July, 2, 2007.

Commissioner Stermer moved to defer Items 6 and 7 to July 2, 2007.  
Commissioner Henriksson seconded the motion.

Roll call vote on above motion.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Cheren voted yes.  
Mayor Hersh voted yes.

## **EIGHTH ORDER OF BUSINESS**

**Ordinance 2007-12 of the City Commission of the City of Weston, Florida, amending Section 92.02, "Commercial and Industrial/Office Developments; Undeveloped Land," to require a minor site plan amendment for changing the paint color of exterior surfaces; and providing for an effective date.**

***Second and Final Reading***

Mayor Hersh read Ordinance No. 2007-12 by title into the record.

Mayor Hersh stated this is a second and final reading. Are there any members of the public who wish to comment? Hearing none, we will close the public hearing. Is there a motion to approve?

Commissioner Stermer moved to approve Ordinance No. 2007-12.  
Commissioner Henriksson seconded the motion.

Roll call vote on Ordinance No. 2007-12.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Cheren voted yes.  
Mayor Hersh voted yes.

### **Item 8-A:**

**Resolution 2007-77 of the City Commission of the City of Weston, Florida, approving an Interlocal Agreement between Broward County and the City of Weston for Uniform Collection and Enforcement of Non-Ad Valorem Assessments.**

Mayor Hersh read Resolution No. 2007-77 by title into the record.

Mayor Hersh stated since this is not on the Agenda, Mr. Flint will give a brief overview.

Mr. Flint stated as the Commission is well aware and the public is becoming aware, for the next Fiscal Year we will commence billing for solid waste services on the tax bill rather than on the monthly utility bill, so residents will be paying their garbage and recycling fees once per year instead of twelve times per year. This will make the system a lot more efficient and avoid increasing costs for the City as time goes on, so ultimately there is an economic benefit to the City. The method by which we do this is through two Agreements; the first Agreement, which you have already approved, was with the Property Appraiser of Broward County, which is the Agreement that enables the Property Appraiser to place the levy on a tax bill, however, the Property Appraiser is not the one who collects the revenue from the tax bill; that is the Broward

County Revenue Collector, so this Agreement is with Broward County and that will enable them to collect the revenues for us for the fee stipulated and forward that to the City.

Mayor Hersh asked is there a motion to approve?

Commissioner Stermer moved to approve Resolution No. 2007-77.  
Commissioner Henriksson seconded the motion.

Roll call vote on Resolution No. 2007-77.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Cheren voted yes.  
Mayor Hersh voted yes.

**Item 8-B:**

**Resolution 2007-78 of the City Commission of the City of Weston, Florida, amending Resolution No. 2007-60, approving the Interlocal Agreement between the School Board of Broward County, Florida and the City of Weston, Florida for the City to Fund and Construct Additional Parking on the School Board's Country Isles Elementary School Site**

Mayor Hersh read Resolution No. 2007-78 by title into the record.

Mr. Flint stated as the residents in the Country Isles community are very much aware that we are constructing major roadway improvements within their neighborhood, specifically on Three Village Road and on Country Isles Road. One of the improvements that we included within the project was additional parking on the parking lot that is on the Country Isles roadside of the Country Isles Elementary School, which is in concert with the remainder of the project to eliminate on-street parking that was occurring on the swales and a detriment to the appearance of the area. A few meetings ago we had put this Agreement on the Commission Agenda, which you approved and when we sent it back to the School Board after we thought everything was okay, they said they would like a few other items included. In an effort to have the project commence during the time the students are on summer break from Country Isles Elementary School, we wanted to get this through. Since all the insurance and licenses and appropriate documents are in place, we will get this to the School Board and they will get it on their School Board Agenda to get things moving.

Mayor Hersh asked is there a motion to approve?

Commissioner Henriksson moved to approve Resolution No. 2007-78.  
Commissioner Stermer seconded the motion.

Roll call vote on Resolution No. 2007-78.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Cheren voted yes.  
Mayor Hersh voted yes.

## **NINTH ORDER OF BUSINESS**

### **Consent Agenda**

#### **City of Weston**

- A. Resolution 2007-79 of the City Commission of the City of Weston, Florida, approving the Second Amendment to and Reaffirmation of the Estoppel and Subordination Agreement between the City and the YMCA for the Regional Park Site Lease.**
- B. Resolution 2007-80 of the City Commission of the City of Weston, Florida, approving an Agreement between Lori Parrish, as Broward County Property Appraiser, and the City of Weston for the Creation and Maintenance of a Non-Ad Valorem Assessment Roll for the City's Non-Ad Valorem Special Assessment for Single Family Residential Solid Waste Collection**
- C. Resolution 2007-81 of the City Commission of the City of Weston, Florida, approving the minutes of the regular meetings of the City Commission of the City of Weston held on May 7, 2007, May 21, 2007 and June 4, 2007.**

#### ***City of Weston and Indian Trace Development District and Bonaventure Development District***

- D. Resolution 2007-82 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 Revising the "Schedule of Fees to be Charged for Services Provided by the City of Weston."**

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

## **TENTH ORDER OF BUSINESS**

### **Commission/City Manager Agenda Requests**

Commissioner Stermer stated while I had this put on the Agenda this evening, I would like to defer this to at least the July 2<sup>nd</sup> meeting until we have had a chance to have an update from the City Manager, City Attorney, and City Staff later this week as it relates to the outcome of last week's

Special Legislative Session and we understand our upcoming budget year, our revenues and our expenses before we undertake another expense.

Mayor Hersh stated Mr. Flint perhaps you want to notice the public on the budget workshop we are having.

Mr. Flint stated as a result of the Legislative actions and the Governor's anticipated action of signing the Bills that were adopted by the House and Senate of the State of Florida, there is a significant tax reform that has occurred and we want to have the opportunity collectively, to bring you up to speed as to the impact of the law as it occurs on the City Commission and as to what it is going to enable you to do and what it is not going to enable you to do as it relates to levying an ad valorem assessment upon the residents of the City, as well as the economic impact that the staff will be able to share with you on a more general basis. We do not intend to get into the specifics, but it is more to keep you informed and we know some of you are going to be traveling during the summer, so we wanted to get this done before any of you left. This will also give us some additional direction in the preparation of the budget that we would look to get to you the last week in July or the first week of August, as we customarily do. No decisions will be made; it will be a workshop meeting. Again, it is more informational so the City Attorney can keep you informed of the impact of the law and the staff can keep you informed as to the economic impact to the City.

Mayor Hersh stated that is Thursday, at 8:00 a.m. at City Hall and the public is welcome to attend.

#### **ELEVENTH ORDER OF BUSINESS**

#### **Adjournment**

The meeting adjourned at 7:20 p.m.

  
Eric M. Hersh, Mayor