

MINUTES OF MEETING CITY OF WESTON

A regular meeting of the City Commission of the City of Weston was held Monday, June 21, 2010 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
Patricia A. Bates	City Clerk
Jamie Alan Cole	City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske
Karen Lieberman	Assistant City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske
Anthony Soroka	Assistant City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske
Chad Friedman	Assistant City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske
Shelley Eichner	Vice-President, Calvin, Giordano & Associates
Sarah Sinatra	Director of Development Services, Calvin, Giordano & Associates
Karl Kennedy	City Engineer, Calvin, Giordano & Associates
Denise Barrett	Director of Communications
Donald Decker	Director of Parks and Recreation
Andrew Gilmore	Director of Landscaping
Darrel Thomas	Treasurer
Steven Murray	MuniTech LLC
Cosmo Tornese	Building Official, C.A.P. Government, Inc.
Chief Greg Page	BSO DLE – Weston
Chief Harris Bouchillon	BSO DFRES – Weston
State Rep. Franklin Sands	Florida House of Representatives
Robert Wolk	Resident
Manuel Synalovski, AIA	Manuel Synalovski Associates, LLC

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

State Representative Franklin Sands led the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

Presentations

A. Broward Sheriff's Office Law Enforcement Employees of the Month – Deputy Alex Beer and Deputy Krista Geary

B. State Representative Franklin Sands - Florida House of Representatives Legislative Update

ANNOUNCEMENTS

- Activities on Sunday July 4th begin at 7AM with the annual 5K Run and Walk sponsored by Broward Health Weston. The 5K begins and ends in Town Center. For more information please go online to www.splitsecondtiming.com.
- The July 4th Hometown Parade begins at 10:30 AM at the corner of Town Center Boulevard and Three Village Road and culminates by winding through Town Center and down Main Street. This year's theme, "Weston – Sharing & Caring" recognizes that our community has a huge and giving spirit, and that in challenging times, our residents, businesses and organizations continue to embrace important causes and charitable organizations. Also please note that all City parks will close at 6PM on Sunday, July 4th. For more information, please visit our website.
- On Monday, July 5th all City administrative offices will be closed in observance of the Independence Day holiday. There will be regular garbage collection on the 5th, and the next City Commission meeting will be on Tuesday, July 6th.
- A reminder to residents, hurricane season has begun and if you have not already done so, having an emergency preparedness plan is essential. Our City website offers you ReadyTown, an easy to use, step-by-step tool to assist you in making an emergency plan.
- On a very sad note, it is with deep sympathy that we inform the community of the death of BSO Firefighter William Carr, assigned to Weston Fire Station 67 which is located on Saddle Club Road. Firefighter Carr, 53 years of age and a career firefighter with Broward County, was tragically struck by lightning while riding his motorcycle on vacation in Colorado and passed away on June 15th. The death of Firefighter Carr is a great loss to his family, the Broward Sheriff's Office Department of Fire Rescue, his friends, colleagues and our Weston community.

FOURTH ORDER OF BUSINESS

Audience Comments

Robert Wolk, Resident

FIFTH ORDER OF BUSINESS

Consent Agenda

A. Commissioners' Items Removed for Later Discussion

Commissioners' Items Removed for Later Discussion 12-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.

QUASI-JUDICIAL HEARING

City Attorney Jamie Cole read the Quasi-Judicial procedures into the record. City Clerk Patricia Bates confirmed advertising compliance for Items 6, 7 and 8. Manuel Synalovski, applicant representative for TAG USA Gymnastics had no objection to hearing Items 6, 7 and 8 together.

SIXTH ORDER OF BUSINESS

Resolution No. 2010-65 of the City Commission of the City of Weston, Florida, considering Application No. 10-3314, Special Exception pursuant to Section 158.24 of the Municipal Code of Ordinances to permit the occupancy of a gymnastics training facility for the property located at 1951 North Commerce Parkway, Weston, Florida.

Park of Commerce Special Exception, TAG USA Gymnastics

SEVENTH ORDER OF BUSINESS

Resolution No. 2010-66 of the City Commission of the City of Weston, Florida, considering Application No. 10-3313, a variance from Section 158.40 of the Municipal Code of Ordinances for Parking, and a variance from Section 155.19 of the Municipal Code of Ordinances for Landscape, for the property located at 1951 North Commerce Parkway, Weston, Florida.

Park of Commerce Variances, TAG USA Gymnastics

EIGHTH ORDER OF BUSINESS

Resolution No. 2010-67 of the City Commission of the City of Weston, Florida, considering Application No. 10-3312, amendment to the existing site plan for Park of Commerce to add a five foot sidewalk and modify an existing paved loading area by striping 16 parking spaces to accommodate a gymnastics training facility located at 1951 North Commerce Parkway, Weston, Florida.

Park of Commerce Major Site Plan Amendment, TAG USA Gymnastics

The Resolutions were read into the record by title. Sarah Sinatra, Director of Development Services, presented for the City. Manuel Synalovski, AIA, presented for the applicant. The items were opened for public comment. No comment from the public. Commissioner Henriksson stated that a letter was in the backup indicating the other occupants of the warehouse did not have a problem with the parking variance. Mayor Hersh asked if the property owner was aware that all requests for this property only relate to the applicant TAG USA Gymnastics and not any future tenants. Manuel Synalovski indicated yes, the property owner was aware.

Staff recommended consideration of Resolution No. 2010-65 subject to the following condition: Applicant shall provide for a new 5 foot sidewalk located on the east side of the site plan, adjacent to the building.

Commissioner Stermer moved to approve Resolution No. 2010-65. Commissioner Henriksson seconded the motion.

Roll call vote on Resolution No. 2010-65.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes.

Staff recommended consideration of Resolution No. 2010-66 subject to the following condition:
The two variances are only applicable to the use of a gymnastics training facility and shall be
revoked if the use changes.

Commissioner Stermer moved to approve Resolution No. 2010-66.
Commissioner Henriksson seconded the motion.

Roll call vote on Resolution No. 2010-66.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes.

Commissioner Henriksson moved to approve Resolution No. 2010-67.
Commissioner Gomez seconded the motion.

Roll call vote on Resolution No. 2010-67.
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

NINTH ORDER OF BUSINESS

Ordinance No. 2010-06 of the City of Weston, Florida, amending certain sections of Chapter 110, "Business Tax Receipts and Business Regulations," to include the definition of "Business" and provide procedures to qualify for the Charitable Organization Exemption and rebut the presumption of engaging in business within the City; setting the penalty for failure to pay a business tax; 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 Gomez moved to approve Ordinance No. 2010-06.
Commissioner Stermer seconded the motion.

Roll call vote on Ordinance No. 2010-06.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes.

TENTH ORDER OF BUSINESS

Mayor Hersh stated, Item 10 on tonight's agenda proposes to amend the City's Land Development Regulations. 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, creating Title VIII, "Business-Regulations and Standards," by renumbering, renaming and amending certain Sections of Chapter 110, "Business Tax Receipts and Business Regulations," and Chapters 111-118; 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 Henriksson 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.

ELEVENTH ORDER OF BUSINESS

An Ordinance of the City of Weston, Florida, creating Title IX, "Property-Real and Personal," by renumbering and amending Chapter 92, "Property Maintenance," and Chapter 97, "Lost, Unclaimed or Abandoned Personal Property;" repealing Chapter 93, "Streets and Sidewalks;" 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 Gomez 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.

TWELFTH ORDER OF BUSINESS

Consent Agenda

Item 12-A was removed from the Consent Agenda for discussion.

- A. A Resolution of the City Commission of the City of Weston, Florida, appointing _____ as the voting delegate and _____ as the alternate voting delegate for the City of Weston at the Florida League of Cities 84th Annual Conference to be held in Hollywood, Florida, August 19, 2010 thru August 21, 2010.

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

No comment from the public. No members of the City Commission will be attending the Florida League of Cities 84th Annual Conference, therefore Item 12-A was withdrawn from the agenda

CITY OF WESTON

- A. A Resolution of the City Commission of the City of Weston, Florida, appointing _____ as the voting delegate and _____ as the alternate voting delegate for the City of Weston at the Florida League of Cities 84th Annual Conference to be held in Hollywood, Florida, August 19, 2010 thru August 21, 2010.
- B. Resolution No. 2010-68 of the City Commission of the City of Weston, Florida, adopting the Special Assessment Methodology for Fire Protection Services for the Fiscal Year 2011.
- C. Resolution No. 2010-69 of the City Commission of the City of Weston, Florida, adopting the Special Assessment Methodology for the provision of solid waste collection services for single-family residential parcels within the City for the Fiscal Year 2011.
- D. Resolution No. 2010-70 of the City Commission of the City of Weston, Florida, approving Change Order No 1 for the City's contract provider, Tenex Enterprises, Inc. of Pompano Beach, Florida, for the project known as Bonaventure Boulevard Roadway Improvements, Calvin, Giordano & Associates, Inc., Project No. 09-2353/09-2352.
- E. Resolution No. 2010-71 of the City Commission of the City of Weston, Florida supporting the Regional Planning Councils of Southeast Florida in preparing a Comprehensive Joint Application under the Federal Sustainable Communities Initiative and establishing a working partnership agreement with public, private, non-profit, and civic sector organizations, including but not limited to, water resource, housing, human services, environmental and transportation agencies, community-based organizations, local governments, nonprofits, academia and research institutions, school boards and private sector organizations.

INDIAN TRACE DEVELOPMENT DISTRICT

- F. Resolution No. 2010-72 of the City Commission of the City of Weston, Florida, as the governing board of the Indian Trace Development District, adopting the Special Assessment Methodology for the Indian Trace Development District for the Fiscal Year 2011.

BONAVENTURE DEVELOPMENT DISTRICT

- G. Resolution No. 2010-73 of the City Commission of the City of Weston, Florida, as the governing board of the Bonaventure Development District, adopting the Special Assessment Methodology for the Bonaventure Development District for the Fiscal Year 2011.

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

- H. Resolution No. 2010-74 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, approving the Agreement with Downrite Engineering Corporation to terminate the Weston Concrete and Asphalt Repairs Project, City of Weston Bid No. 2009-06, Calvin, Giordano & Associates, Inc., Project No. 96-2465.AA.
- I. Resolution No. 2010-75 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 Minutes of the Regular Meeting of the City Commission of the City of Weston held on June 7, 2010.

THIRTEENTH ORDER OF BUSINESS

The meeting adjourned at 7:42 PM.

Adjournment


Eric M. Hersh, Mayor

MONDAY
JUNE 21, 2010
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 Law Enforcement Employee of the Month
 - B. Representative Franklin Sands Legislative Update
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. 10-3314, Special Exception pursuant to Section 158.24 of the Municipal Code of Ordinances to permit the occupancy of a gymnastics training facility for the property located at 1951 North Commerce Parkway, Weston, Florida.
Park of Commerce Special Exception, Tag USA Gymnastics ***Pages 6-18***

7. A Resolution of the City Commission of the City of Weston, Florida, considering Application No. 10-3313, a variance from Section 158.40 of the Municipal Code of Ordinances for Parking, and a variance from Section 155.19 of the Municipal Code of Ordinances for Landscape, for the property located at 1951 North Commerce Parkway, Weston, Florida.

Park of Commerce Variances, Tag USA Gymnastics

Pages 19-37

8. A Resolution of the City Commission of the City of Weston, Florida, considering Application No. 10-3312, amendment to the existing site plan for Park of Commerce to add a five foot sidewalk and modify an existing paved loading area by striping 16 parking spaces to accommodate a gymnastics training facility located at 1951 North Commerce Parkway, Weston, Florida.

Park of Commerce Major Site Plan Amendment, Tag USA Gymnastics

Pages 38-47

END OF QUASI-JUDICIAL HEARING

9. An Ordinance of the City of Weston, Florida, amending certain sections of Chapter 110, "Business Tax Receipts and Business Regulations," to include the definition of "Business" and provide procedures to qualify for the Charitable Organization Exemption and rebut the presumption of engaging in business within the City; setting the penalty for failure to pay a business tax; and providing for an effective date.

Second and Final Reading

Pages 48-61

10. An Ordinance of the City of Weston, Florida, creating Title VIII, "Business-Regulations and Standards," by renumbering, renaming and amending certain Sections of Chapter 110, "Business Tax Receipts and Business Regulations," and Chapters 111-118; and providing for an effective date.

Public Hearing and First Reading*

Pages 62-131

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

11. An Ordinance of the City of Weston, Florida, creating Title IX, "Property-Real and Personal," by renumbering and amending Chapter 92, "Property Maintenance," and Chapter 97, "Lost, Unclaimed or Abandoned Personal Property;" repealing Chapter 93, "Streets and Sidewalks;" and providing for an effective date.

Public Hearing and First Reading

Pages 132-159

12. Consent Agenda

CITY OF WESTON

- A. A Resolution of the City Commission of the City of Weston, Florida, appointing _____ as the voting delegate and _____ as the alternate voting delegate for the City of Weston at the Florida League of Cities 84th Annual Conference to be held in Hollywood, Florida, August 19, 2010 thru August 21, 2010.

Pages 160-168

- B. A Resolution of the City Commission of the City of Weston, Florida, adopting the Special Assessment Methodology for Fire Protection Services for the Fiscal Year 2011.
Pages 169-189
- C. A Resolution of the City Commission of the City of Weston, Florida, adopting the Special Assessment Methodology for the provision of solid waste collection services for single-family residential parcels within the City for the Fiscal Year 2011.
Pages 190-197
- D. A Resolution of the City Commission of the City of Weston, Florida, approving Change Order No 1 for the City's contract provider, Tenex Enterprises, Inc. of Pompano Beach, Florida, for the project known as Bonaventure Boulevard Roadway Improvements, Calvin, Giordano & Associates, Inc., Project No. 09-2353/09-2352.
Pages 198-207
- E. A Resolution of the City Commission of the City of Weston, Florida supporting the Regional Planning Councils of Southeast Florida in preparing a Comprehensive Joint Application under the Federal Sustainable Communities Initiative and establishing a working partnership agreement with public, private, non-profit, and civic sector organizations, including but not limited to, water resource, housing, human services, environmental and transportation agencies, community-based organizations, local governments, nonprofits, academia and research institutions, school boards and private sector organizations.
Pages 208-240

INDIAN TRACE DEVELOPMENT DISTRICT

- F. A Resolution of the City Commission of the City of Weston, Florida, as the governing board of the Indian Trace Development District, adopting the Special Assessment Methodology for the Indian Trace Development District for the Fiscal Year 2011.
Pages 241-254

BONAVENTURE DEVELOPMENT DISTRICT

- G. A Resolution of the City Commission of the City of Weston, Florida, as the governing board of the Bonaventure Development District, adopting the Special Assessment Methodology for the Bonaventure Development District for the Fiscal Year 2011.
Pages 255-265

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

- H. 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, approving the Agreement with Downrite Engineering Corporation to terminate the Weston Concrete and Asphalt Repairs Project, City of Weston Bid No. 2009-06, Calvin, Giordano & Associates, Inc., Project No. 96-2465.AA.

Pages 266-274

- I. 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 Minutes of the Regular Meeting of the City Commission of the City of Weston held on June 7, 2010.

Pages 275-285

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.