

## MINUTES OF MEETING CITY OF WESTON

A regular meeting of the City Commission of the City of Weston was held Thursday, July 2, 2009 at 7:00 PM at Weston City Hall, 17200 Royal Palm Boulevard, Weston, Florida.

Present and constituting a quorum were:

Mercedes G. Henriksson	Commissioner
Daniel J. Stermer	Commissioner
Murray Chermak	Commissioner
Angel M. Gomez	Commissioner

Appearance via telephone:

Eric M. Hersh	Mayor
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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
Chad Friedman	Assistant City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske
Patricia A. Bates	City Clerk
Andrew Gilmore	Director of Landscaping
Bradford Kaine	Director of Public Works
Laurie Menekou	Assistant Director of Communications
Dennis Giordano	President, Calvin, Giordano & Associates
Shelley Eichner	Vice-President, Calvin, Giordano & Associates
Karl Kennedy	City Engineer, Calvin, Giordano & Associates
Steven Murray	Municipal Technologies LLC
Chief John Frailey	BSO DFRES – Weston
Chief Greg Page	BSO DLE – Weston

### FIRST ORDER OF BUSINESS

### Roll Call

Commissioner Stermer called the meeting to order at 7:00 PM.

City Clerk Patricia Bates called the roll.

Commissioner Henriksson moved to waive the rule on no telephonic appearances at City Commission meetings to allow Mayor Hersh to join the meeting via telephone.  
Commissioner Gomez seconded the motion.

Roll call vote on the Motion.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Gomez voted yes.

Mayor Hersh joined the City Commission meeting via telephone.

## **SECOND ORDER OF BUSINESS**

### **Pledge of Allegiance**

Ron Bergeron, Florida Fish and Wildlife Conservation Commissioner led the pledge.

## **THIRD ORDER OF BUSINESS**

### **Presentations**

- A. Broward Sheriff's Office Law Enforcement Employee of the Month – None
- B. Recognition of officers and biologists from the Florida Fish and Wildlife Conservation Commission for the capture of the "Weston Bear" on Sunday, May 31, 2009.

## **ANNOUNCEMENTS**

- 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.

- The City of Sunrise, who provides water to the City of Weston, will hold a public hearing on July 14<sup>th</sup> 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 will be held on Monday August 17, 2009. City Commission Chambers at 7:00 PM.
- City offices will be closed Friday, July 3, 2009 in observance of Independence Day.
- July 4<sup>th</sup> activities: 7:00 AM the Weston July 4<sup>th</sup> Classic 5K Run & Walk begins/ends at Weston Town Center. 10:00 AM the Hometown July 4<sup>th</sup> Parade begins at Town Center Boulevard and Three Village Road intersection.
- There will be regular garbage collection on Saturday, July 4<sup>th</sup>.

**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 9-A

**B. Approval of the balance of the Consent Agenda**

Commissioner Gomez moved to approve the balance of the Consent Agenda. Commissioner Henriksson seconded the motion.
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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**

**Ordinance No. 2009-10 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.**

***Second and Final Reading***

The Ordinance was read into the record by title. This is the Second and Final Reading.  
The item was opened for public comment. No comment from the public.

Commissioner Henriksson moved to approve Ordinance No. 2009-10.  
Commissioner Gomez seconded the motion.

Roll call vote on Ordinance No. 2009-10.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Gomez voted yes.  
Mayor Hersh voted yes.

#### **SEVENTH ORDER OF BUSINESS**

**An Ordinance of the City of Weston, Florida, amending Section 50.15, "Recycling Program," to provide for single stream recycling; 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.

#### **EIGHTH ORDER OF BUSINESS**

**Resolution No. 2009-52 of the City Commission of the City of Weston, Florida, setting the proposed millage rate pursuant to Section 200.065(2)(b), Florida Statutes, and setting the date, time and place at which public hearings will be held to consider the City of Weston proposed millage rate and the tentative budget and the Fire Protection Services Assessment Rate and the Single Family Residential Solid Waste Assessment Rate; and as the governing board of the Indian Trace Development District, authorizing the Indian Trace Development District Basin I Assessment Rate, authorizing the Indian Trace Development District Basin II Assessment Rate, and the Indian Trace Development District Isles at Weston Assessment Rate; and as the governing board of the Bonaventure Development District, authorizing the Bonaventure Development District Assessment Rate; and directing that a certified copy of this Resolution be sent to the Broward County Property Appraiser and Tax Collector.**

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

Commissioner Chermak moved to approve Resolution No. 2009-52.  
Commissioner Henriksson seconded the motion.

Roll call vote on Resolution No. 2009-52.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Gomez voted yes.  
Mayor Hersh voted yes

The proposed property tax millage rate of the City of Weston for Fiscal Year 2009/2010 shall not exceed 1.9437 mills, which is 12.75% above the "rolled-back" millage rate and 10.00% above the "rolled-back" millage rate adjusted for change in per capita Florida personal income. The date, time and place of the public hearing to consider the proposed millage rate and the tentative budget shall be September 14, 2009 at 7:00 p.m., Weston City Hall, 17200 Royal Palm Boulevard, Weston, Florida.

The "rolled-back" millage rate calculated pursuant to Sections 200.065(1) and 200.065(5), Florida Statutes, is 1.7239 mills, and the "rolled-back" rate adjusted for change in per capita Florida personal income is 1.7670 mills. The date, time and place of the public hearing to consider adoption of the final millage rate and budget as well as the Fire Protection Services Assessment rate, the Single Family Residential Solid Waste Assessment rate, the Indian Trace Development District Basin I Assessment rate, the Indian Trace Development District Basin II Assessment rate, the Indian Trace Development District Isles at Weston Assessment rate, and the Bonaventure Development District Assessment rate shall be September 21, 2009 at 7:00 p.m., Weston City Hall, 17200 Royal Palm Boulevard, Weston, Florida.

#### **NINTH ORDER OF BUSINESS**

#### **Consent Agenda**

Item 9-A was removed from the Consent Agenda for discussion.

- 9-A. A Resolution of the City Commission of the City of Weston, Florida, authorizing and directing the City Attorney to file a lawsuit challenging Senate Bill 360 as being unconstitutional.**

The Resolution was read into the record by title. The item was opened for public comment. No comment from the public. City Manager John Flint gave an update on the status of other local governments joining Weston in filing a lawsuit challenging Senate Bill 360 as being unconstitutional.

Commissioner Henriksson moved to approve Resolution No. 2009-53. Commissioner Gomez seconded the motion.
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Roll call vote on Resolution No. 2009-53. Commissioner Stermer voted yes. Commissioner Henriksson voted yes. Commissioner Chermak voted yes. Commissioner Gomez voted yes. Mayor Hersh voted yes
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***CITY OF WESTON***

- A. Resolution No. 2009-53 of the City Commission of the City of Weston, Florida, authorizing and directing the City Attorney to file a lawsuit challenging Senate Bill 360 as being unconstitutional.
- B. Resolution No. 2009-54 of the City Commission of the City of Weston, Florida, approving the Third Amendment to the Lease and Funding Agreement for Lease of Recreational Facilities at Cypress Bay High School between the School Board of Broward County and the City of Weston.
- C. Resolution No. 2009-55 of the City Commission of the City of Weston, Florida, approving the transfer of a parcel of land adjacent to the City right-of-way, to Laguna Springs Maintenance Association, Inc.
- D. Resolution No. 2009-56 of the City Commission of the City of Weston, Florida, authorizing the City to accept a corporate guarantee in lieu of a security fund for Advocate Communications, Inc. d/b/a Advanced Cable Communications.
- E. Resolution No. 2009-57 of the City Commission of the City of Weston, Florida, approving the Heritage Program by Fireman's Fund and Allianz Grant Compliance Agreement, and authorizing the purchase of traffic signal preemption devices for the City's Fire Rescue vehicles.
- F. Resolution No. 2009-58 of the City Commission of the City of Weston, Florida, authorizing the renewal of the agreement between the City of Weston and the Arts Council of Greater Weston, Inc., for one additional three-year term relating to arts and cultural events in the City.
- G. Resolution No. 2009-59 of the City Commission of the City of Weston, Florida, approving Change Order No. 1-Final for the City's contract provider, Tenex Enterprises, Inc. of Pompano Beach, Florida, for the project known as Tequesta Trace Park Improvements, City of Weston Bid No. 2008-03, Calvin, Giordano & Associates, Inc., Project No. 00-1005.3.

- H. Resolution No. 2009-60 of the City Commission of the City of Weston, Florida, approving the Minutes of the Workshop Meeting of June 15, 2009 and Regular Meeting of the City Commission of the City of Weston held on June 15, 2009.

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

- I. Resolution No. 2009-61 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, extending the contract with Horsepower Electric, Inc., for electrical repairs.
- J. Resolution No. 2009-62 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, extending the contracts with 100% Landscaping Co., Inc., Lyons Farm, Inc., and GreenSource Landscape & Sports Turf, Inc., for miscellaneous landscape materials and services.

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

**TENTH ORDER OF BUSINESS**

The meeting adjourned at 7:50 PM.

**Adjournment**



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Daniel J. Stermer, Commissioner  
Alternate Presiding Officer

THURSDAY  
JULY 2, 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, 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.  
**Second and Final Reading** **Pages 6-12**
7. An Ordinance of the City of Weston, Florida, amending Section 50.15, "Recycling Program," to provide for single stream recycling; and providing for an effective date.  
**Public Hearing and First Reading** **Pages 13-18**
8. A Resolution of the City Commission of the City of Weston, Florida, setting the proposed millage rate pursuant to Section 200.065(2)(b), Florida Statutes, and setting the date, time and place at which public hearings will be held to consider the City of Weston proposed millage rate and the tentative budget and the Fire Protection Services Assessment Rate and the Single Family Residential Solid Waste Assessment Rate; and as the governing board of the Indian Trace Development District, authorizing the Indian Trace Development District Basin I Assessment Rate, authorizing the Indian Trace Development District Basin II Assessment Rate, and the Indian Trace Development District Isles at Weston Assessment Rate; and as the governing board of the Bonaventure Development District, authorizing the Bonaventure Development District Assessment Rate; and directing that a certified copy of this Resolution be sent to the Broward County Property Appraiser and Tax Collector.  
**Pages 19-25**

9. Consent Agenda  
**CITY OF WESTON**

- A. A Resolution of the City Commission of the City of Weston, Florida, authorizing and directing the City Attorney to file a lawsuit challenging Senate Bill 360 as being unconstitutional.

**Pages 26-31**

- B. A Resolution of the City Commission of the City of Weston, Florida, approving the Third Amendment to the Lease and Funding Agreement for Lease of Recreational Facilities at Cypress Bay High School between the School Board of Broward County and the City of Weston.

**Pages 32-42**

- C. A Resolution of the City Commission of the City of Weston, Florida, approving the transfer of a parcel of land adjacent to the City right-of-way, to Laguna Springs Maintenance Association, Inc.

**Pages 43-52**

- D. A Resolution of the City Commission of the City of Weston, Florida, authorizing the City to accept a corporate guarantee in lieu of a security fund for Advocate Communications, Inc. d/b/a Advanced Cable Communications.

**Pages 53-59**

- E. A Resolution of the City Commission of the City of Weston, Florida, approving the Heritage Program by Fireman's Fund and Allianz Grant Compliance Agreement, and authorizing the purchase of traffic signal preemption devices for the City's Fire Rescue vehicles.

**Pages 60-82**

- F. A Resolution of the City Commission of the City of Weston, Florida, authorizing the renewal of the agreement between the City of Weston and the Arts Council of Greater Weston, Inc., for one additional three-year term relating to arts and cultural events in the City.

**Pages 83-88**

- G. A Resolution of the City Commission of the City of Weston, Florida, approving Change Order No. 1-Final for the City's contract provider, Tenex Enterprises, Inc. of Pompano Beach, Florida, for the project known as Tequesta Trace Park Improvements, City of Weston Bid No. 2008-03, Calvin, Giordano & Associates, Inc., Project No. 00-1005.3.

**Pages 89-115**

- H. A Resolution of the City Commission of the City of Weston, Florida, approving the Minutes of the Workshop Meeting of June 15, 2009 and Regular Meeting of the City Commission of the City of Weston held on June 15, 2009.

**Pages 116-127**

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

- 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, extending the contract with Horsepower Electric, Inc., for electrical repairs.

**Pages 128-134**

- J. 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, extending the contracts with 100% Landscaping Co., Inc., Lyons Farm, Inc., and GreenSource Landscape & Sports Turf, Inc., for miscellaneous landscape materials and services.

**Pages 135-143**

10. 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.