

MONDAY
NOVEMBER 16, 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. Broward Sheriff's Office Fire Rescue Employee of the Month
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. 09-2976, approval of the site plan amendment for the Palace at Weston Senior Living site, to alter the elevations of an approved site plan in order to accommodate the architectural embellishment on top of the towers for a special residential facility on the property located north of Emerald Estates Drive and west of Weston Road.
The Palace at Weston Senior Living Site Plan Amendment ***Pages 6-23***
7. A Resolution of the City Commission of the City of Weston, Florida, considering Application No. 09-2952, amendment to the site plan for Weston Town Center for 10 additional outdoor seats to accommodate a restaurant (Yogurt Land), located at 1713 Main Street.
Weston Town Center Site Plan Amendment, Yogurt Land ***Pages 24-53***

8. A Resolution of the City Commission of the City of Weston, Florida, considering Application No. 09-2932, variance to permit a freestanding sign over a truck scale that exceeds the size and height restrictions in the zoning code, for the property located at the Seminole Travel Center, 4690 US Highway 27, Weston, Florida.
Seminole Travel Center, CAT Scale Sign Variances *Pages 54-75*

END OF QUASI-JUDICIAL HEARING

9. An Ordinance of the City Commission of the City of Weston, Florida, adopting the annual update to the Capital Improvements Element within the City's Comprehensive Plan in accordance with Section 163.3177, Florida Statutes; and providing for an effective date.
Public Hearing and First Reading *Pages 76-103*

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

10. An Ordinance of the City Commission of the City of Weston, Florida, amending Chapter 12 "Definitions" to create a definition of "Pain Management Clinic;" creating Section 158.59.1 "Pain Management Clinics," to prohibit on-site dispensing of controlled substances by pain management clinics; and providing for an effective date.
Public Hearing and First Reading *Pages 104-109*

**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, granting to Florida Power & Light Company, its successors and assigns, an electric franchise, imposing provisions and conditions relating thereto, providing for monthly payments to the City of Weston, and providing for an effective date.
Public Hearing and First Reading *Pages 110-119*

12. Consent Agenda
CITY OF WESTON

- A. A Resolution of the City Commission 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 120-127

CITY OF WESTON AND INDIAN TRACE DEVELOPMENT DISTRICT

- B. 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 for 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 128-133

CITY OF WESTON AND BONAVENTURE DEVELOPMENT DISTRICT

- C. A Resolution of the City Commission of the City of Weston, Florida, as the governing board of the Bonaventure Development District, amending the budget for 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 134-139

CITY OF WESTON, 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, approving a Fourth Addendum to Agreement among the Sheriff of Broward County, Florida and the City of Weston, Florida, the Indian Trace Development District and the Bonaventure Development District for Police Services.

Pages 140-156

- E. 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 November 2, 2009.

Pages 157-167

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.

MINUTES OF MEETING CITY OF WESTON

A regular meeting of the City Commission of the City of Weston was held Monday, November 16, 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 |
| Chad Friedman | Assistant City Attorney, Weiss Serota Helfman Pastoriza Cole & Boniske |
| Patricia A. Bates | City Clerk |
| Dennis J. 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 |
| Denise Barrett | Director of Communications |
| Don Decker | Director of Parks and Recreation |
| Drew Gilmore | Director of Landscaping |
| Brad Kaine | Director of Public Works |
| Darrel Thomas | Treasurer |
| Steven Murray | MuniTech LLC |
| Cosmo Tornese | Building Official, C.A.P. Government, Inc. |
| Chief John Frailey | BSO DFRES – Weston |
| Chief Greg Page | BSO DLE – Weston |
| Debbie M. Orshesky, Esq. | Greenberg Traurig |
| Gina Ruiz-Houston | Opal Creek HOA |
| Grace Valdes | Property Manager for Weston Town Center |
| Kent Jurgersen | Construction Coordinator, CAT Scale Signs |
| Steve Goecke | CAT Scale Signs |
| Christopher Savits | Owner, Savits Daniel Travel Center |

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

Sagemont Lower School Student Council led the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

Presentation

Broward Sheriff's Office Fire Rescue Employee of the Month – Lt. Herbert Epstein

ANNOUNCEMENTS

- BSO urges residents to lock all vehicles. Over 60% of car burglaries in Weston are unlocked vehicles.
- Monthly Moonlight Movies at Weston Regional Park - Saturday night, December 12th, "Paul Blart, Mall Cop"
- Professional puppet show designed for children ages 3-10 at the Weston Community Center on Saturday, December 12th. Show times are 1:30 PM and 3:00 PM.
- The next presentation in the Weston Foreign Film Series, "Italian for Beginners". Showings are Monday night, December 14th at the Weston 8 Cinema. Tickets are available at the Weston Community Center and other locations for \$7.00. Please check our website for details.
- Santa's Holiday Revue will be presented at 10:00 AM on Saturday, December 19th at the Cypress Bay Theater. Tickets are \$10 in advance at the Weston Community Center.
- All City administrative offices will be closed beginning at 3:00 PM on Wednesday, November 25th through Friday, November 27th in observance of Thanksgiving Day. All City parks will close at 6:00 PM and there will be regularly scheduled garbage collection.

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 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.

ANNOUNCEMENT

Pursuant to Florida Statutes 286.011(8), there will be an Attorney-Client session attended by Mayor Eric M. Hersh, Commissioner Daniel J. Stermer, Commissioner Murray Chermak, Commissioner Mercedes G. Henriksson, Commissioner Angel M. Gomez, City Manager John R. Flint, City Attorney Jamie Alan Cole, and Assistant City Attorney Daniel Abbott at 6:00 p.m. on Tuesday, December 1, 2009, in the Conference Room at Weston City Hall, 17200 Royal Palm Boulevard, Weston, Florida. The subject matter of the meeting shall be settlement negotiations and strategy related to litigation expenditures in the litigation styled: The Sagemont School, L.L.C. and The Sagemont Upper School, L.L.C. v. The City of Weston.

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.

SIXTH ORDER OF BUSINESS

Resolution No. 2009-109 of the City Commission of the City of Weston, Florida, considering Application No. 09-2976, approval of the site plan amendment for the Palace at Weston Senior Living site, to alter the elevations of an approved site plan in order to accommodate the architectural embellishment on top of the towers for a special residential facility on the property located north of Emerald Estates Drive and west of Weston Road.

The Palace at Weston Senior Living Site Plan Amendment

The Resolution was read into the record by title. Debbie M. Orshefsky, Esq. of Greenberg Traurig gave the applicant presentation. Sarah Sinatra, Director of Development Services, presented for the City. The item was opened for public comment. Gina Ruiz-Houston from Opal Creek HOA commented from the public.

Conditions No. 1 and No. 2 of Resolution No. 2009-109 are amended as follows:

Condition No. 1:

Within sixty (60) days from the date of this approval ("Application Deadline"), the Palace Developer shall file a building permit application with the City's Building Department for the removal of the existing chain link fence and pillars along the common property line of Palace I and Opal Creek and the installation of a 6-foot chain link fence at the top of the berm adjacent to the existing ficus hedge from the west edge of the Palace I property line to Weston Road ("Opal Creek Fence"). Provided, however, that within 60 days from the date of this approval, the Palace Developer and Opal Creek Homeowner's Association may mutually agree upon an alternate layout for the Opal Creek Fence. In the event the parties agree upon an alternate layout, the Palace Developer will amend the Weston Commons Planned Employment Center Design Guidelines and Standards to incorporate the alternate design for the Opal Creek Fence.

Within (90) days from the date of issuance of a building permit for the Opal Creek Fence ("Completion Deadline"), the Palace Developer shall complete construction of the Opal Creek Fence.

In the event the Palace Developer fails to complete construction of the Opal Creek Fence pursuant to this Condition, approval of this amended site plan and the new expiration date related thereto shall expire. Provided, however, should the Palace Developer's compliance with this Condition be delayed by a necessity to revise the Weston Commons Planned Employment Center Design

Guidelines as noted above, governmental action or inaction, force majeure or other factors beyond the control of the applicant, the Palace Developer may request and the City Manager is hereby authorized in his sole discretion, to grant an appropriate extension of not more than sixty (60) days of the Application Deadline and/or the Completion Deadline, so long as a request for such extension is filed by the Palace Developer before the Application Deadline or the Completion Deadline.

Condition No. 2:

Pursuant to Resolution No. 2005-52, the City Commission approved an agreement with Commons North, the previous owner of the Palace II property, for the installation of replacement street lights on a portion of Emerald Park Circle. The City had determined that the light level of current street lights surrounding the property was inadequate. Therefore, the City funded and constructed new street lights. Although the street lights are already constructed, Commons North agreed to fund a portion of the replacement street lights after the fact and entered into an "Agreement between the City of Weston and Commons North, Ltd. for Street Lights on Emerald Park Circle." Pursuant to Section 3, Third Party Contribution, the Palace Developer agrees to reimburse the City \$57,000.00 for the installation and replacement lights on or before January 11, 2010. In the event the Palace Developer fails to reimburse the City \$57,000.00 for the installation and replacement lights on or before January 11, 2010 pursuant to this Condition, approval of this amended site plan and the new expiration date related thereto shall expire.

Commissioner Stermer moved to approve Resolution No. 2009-109 with amended conditions.
Commissioner Henriksson seconded the motion.

Roll call vote on Resolution No. 2009-109.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes.

SEVENTH ORDER OF BUSINESS

Resolution No. 2009-110 of the City Commission of the City of Weston, Florida, considering Application No. 09-2952, amendment to the site plan for Weston Town Center for 10 additional outdoor seats to accommodate a restaurant (Yogurt Land), located at 1713 Main Street.

Weston Town Center Site Plan Amendment, Yogurt Land

The Resolution was read into the record by title.

Grace Valdes, Property Manager for Weston Town Center gave the applicant presentation. Sarah Sinatra, Director of Development Services, presented for the City. The item was opened for public comment. No comment from the public. City Attorney Jamie Cole answered questions from the City Commission.

Resolution No. 2009-110 is subject to the following conditions:

Condition No. 1:

On-site Security will have a list of Kiosks who are permitted to operate at Weston Town Center.

Condition No. 2:

The Property Manager will have a copy of the current Business Tax Receipt for each Kiosk in operation at Weston Town Center.

Commissioner Stermer moved to approve Resolution No. 2009-110 with conditions.
Commissioner Gomez seconded the motion.

Roll call vote on Resolution No. 2009-110.
Commissioner Stermer voted yes.
Commissioner Henriksson voted yes.
Commissioner Chermak voted yes.
Commissioner Gomez voted yes.
Mayor Hersh voted yes.

EIGHTH ORDER OF BUSINESS

A Resolution of the City Commission of the City of Weston, Florida, considering Application No. 09-2932, variance to permit a freestanding sign over a truck scale that exceeds the size and height restrictions in the zoning code, for the property located at the Seminole Travel Center, 4690 US Highway 27, Weston, Florida.

Seminole Travel Center, CAT Scale Sign Variances

The Resolution was read into the record by title. Kent Jurgensen, Construction Coordinator for CAT Scale Signs gave the applicant presentation with additional comments by Steve Goecke from CAT Scale Signs, and Christopher Savits, owner of Savits Daniel Travel Center. Sarah Sinatra, Director of Development Services, presented for the City. The item was opened for public comment. No comment from the public. City Attorney Jamie Cole answered questions from the City Commission.

Commissioner Stermer moved to defer the Item No. 8 to the January 19, 2010 City Commission Meeting.
Commissioner Henriksson seconded the motion.

Roll call vote on deferring the Item No. 8 to the January 19, 2010 City Commission Meeting.
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

Mayor Hersh stated Items #9 and 10 on tonight's agenda propose to amend the City's Comprehensive Plan and Land Development Code. Pursuant to State Law, these types of Items are 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 both items.

Pursuant to Florida Statutes Section 163.3184, anyone who wishes to receive a courtesy informational statement concerning publication of the Department of Community Affairs' notice of intent to find the proposed Comprehensive Plan Amendment in Item #9 either in compliance or not in compliance with state requirements, must place their name and address on a sign-in form.

If you wish to receive the courtesy information statement regarding Item #9, please place your name and address on the sign-in form on the counter in the back of the room.

NINTH ORDER OF BUSINESS

An Ordinance of the City Commission of the City of Weston, Florida, adopting the annual update to the Capital Improvements Element within the City's Comprehensive Plan in accordance with Section 163.3177, Florida Statutes; 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.

TENTH ORDER OF BUSINESS

An Ordinance of the City Commission of the City of Weston, Florida, amending Chapter 12 "Definitions" to create a definition of "Pain Management Clinic;" creating Section 158.59.1 "Pain Management Clinics," to prohibit on-site dispensing of controlled substances by pain management clinics; 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, granting to Florida Power & Light Company, its successors and assigns, an electric franchise, imposing provisions and conditions relating thereto, providing for monthly payments to the City of Weston, 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.

ITEM 11-A WAS ADDED TO THE AGENDA

Resolution No. 2009-111 of the City Commission of the City of Weston, Florida, supporting an Amendment to the Interlocal Agreement for Public School Facilities Planning in order to avoid the currently proposed school boundary changes in Broward County; and providing for an effective date.

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

Commissioner Stermer moved to approve Resolution No. 2009-111.
Commissioner Henriksson seconded the motion.

Roll call vote on Resolution No. 2009-111.
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

CITY OF WESTON

- A. Resolution No. 2009-112 of the City Commission 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.

CITY OF WESTON AND INDIAN TRACE DEVELOPMENT DISTRICT

- B. Resolution No. 2009-113 of the City Commission of the City of Weston, Florida, as the governing board of the Indian Trace Development District, amending the budget for 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.

CITY OF WESTON AND BONAVENTURE DEVELOPMENT DISTRICT

- C. Resolution No. 2009-114 of the City Commission of the City of Weston, Florida, as the governing board of the Bonaventure Development District, amending the budget for 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


- D. Resolution No. 2009-115 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 a Fourth Addendum to Agreement among the Sheriff of Broward County, Florida and the City of Weston, Florida, the Indian Trace Development District and the Bonaventure Development District for Police Services.
- E. Resolution No. 2009-116 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 November 2, 2009.

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

THIRTEENTH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 8:12 PM.


Eric M. Hersh, Mayor