

MONDAY  
DECEMBER 1, 2008  
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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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. 08-2130, approval of the site plan for the Palace at Weston Senior Living site, to construct 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* *Pages 5-66*

END OF QUASI-JUDICIAL HEARING

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7. An Ordinance of the City of Weston, Florida, creating Section 159.039, "Adequacy of Public School Facilities" to provide for regulations implementing the state mandated requirements of public school concurrency; and providing for an effective date.  
*Second and Final Reading* **Pages 67-81**
  
8. An Ordinance of the City of Weston, Florida, amending Chapter 92, "Property Maintenance," to provide swimming pool maintenance standards and vacant or abandoned structure standards; and providing for an effective date.  
*Second and Final Reading* **Pages 82-88**
  
9. An Ordinance of the City of Weston, Florida, amending the budget of the City of Weston for Fiscal Year 2007/2008 commencing October 1, 2007 and ending September 30, 2008; and providing for an effective date.  
*Second and Final Reading* **Pages 89-95**
  
10. Consent Agenda  
**CITY OF WESTON**
  - A. A Resolution of the City Commission of the City of Weston, Florida, approving the purchase of the installation of the wireless communications systems at Regional Park and Library Park from Presidio Networked Solutions; and approving the Master Lease Agreement with Presidio Technology Capital, LLC for the lease of the necessary hardware.  
**Pages 96-122**
  
  - B. A Resolution of the City Commission of the City of Weston, Florida, approving the Federally Funded Subgrant Agreement with the State of Florida, Division of Emergency Management for State Homeland Security Grant Program Funds for the Community Emergency Response Team ("CERT") Program.  
**Pages 123-163**
  
  - C. A Resolution of the City Commission of the City of Weston, Florida, supporting amendments to the Florida Statutes to increase mortgage holders' responsibility for delinquent condominium, co-operative, and homeowner associations' fees, regular assessments and special assessments on units and homes in foreclosure and on foreclosed units and homes.  
**Pages 164-168**
  
11. Commission/City Manager Agenda Requests
  - A. **John R. Flint, City Manager**  
Discussion regarding roundabouts on Bonaventure Boulevard at Saddle Club Road and at Blatt Boulevard, and improvements to Manatee Isles Drive.  
**Pages 169-172**
  
  - B. **John R. Flint, City Manager**  
Discussion regarding the Planning and Zoning Advisory Board.  
**Pages 173-185**

C. **John R. Flint, City Manager**

Discussion regarding HUD Neighborhood Stabilization Program Entitlement.

**Pages 186-188**

12. Adjournment

UPON THE CONCLUSION OF THE CITY COMMISSION MEETING, A MEETING OF THE TOWN FOUNDATION, INC. BOARD OF DIRECTORS WILL COMMENCE.

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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, December 1, 2008 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 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
Karl Kennedy	City Engineer, Calvin, Giordano & Associates
Jeffrey Maxwell	Traffic Engineer, Calvin, Giordano & Associates
Sarah Sinatra	Director of Development Services, Calvin, Giordano & Associates
Brad Kaine	Director of Public Works
Donald Decker	Director of Parks and Recreation
Drew Gilmore	Director of Landscaping
Laurie Menekou	Assistant Director of Communications
Darrel Thomas	Treasurer
Steven Murray	Municipal Technologies LLC
Cosmo Tornese	Building Official, C.A.P. Government, Inc.
Lt. Jeff Tozzie	BSO DLE - Weston
Chief John Frailey	BSO DFRES – Weston
Franklin Sands	Florida State Representative
Rick & Rita Case	Rick Case Honda
Toby Feuer	Resident
Debbie Orshefsky, Esq.	Greenberg Traurig
Gina Ruiz-Houston	Resident

**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**

The Sagemont Lower School Student Council led the Pledge of Allegiance.

**THIRD ORDER OF BUSINESS**

**Presentations**

**Broward Sheriff's Office Law Enforcement Employee of the Month** awards were presented to Sgt. Michael Menghi, K-9 Deputy Mouda Mashnuok, Detective Chris Anderson, Detective Roger Caron, Detective Steve Tulloch, Deputy Luis Ventura, Deputy Barrey Barnes, Deputy Jesus Manresa.

Florida State Representative Franklin Sands and representatives from the South Florida Water Management District presented \$1 Million grant check for the Bonaventure Development District Stormwater Pump project.

Proclamation for Rick Case Bikes for Kids Month presented to Rick & Rita Case of Rick Case Honda.

**ANNOUNCEMENTS**

- Tonight is the last City Commission meeting for the month of December; the next meeting will be held on Tuesday, January 20<sup>th</sup>.
- City offices close at Noon on December 24<sup>th</sup>, and are closed on December 25<sup>th</sup> and 26<sup>th</sup>. And will also close at 3 pm on December 31<sup>st</sup> and closed on January 1<sup>st</sup>. City parks close at 6 pm on Christmas Day, New Year's Eve and New Year's Day.
- There will be no garbage and recycling collection service on Christmas Day.
- Residents are urged to lock all vehicles, including those in your driveway. Over 60% of car burglaries in Weston are un-locked vehicles.
- Vista Park playground will be closed for resurfacing today through December 19<sup>th</sup>.
- The Moonlight Movie in the Park will be on Saturday, December 6<sup>th</sup>. Alvin and the Chipmunks begins at 7:30 pm in the Weston Regional Park at the Event Stage.

**FOURTH ORDER OF BUSINESS**

**Audience Comments**

Toby Feuer, Resident

**FIFTH ORDER OF BUSINESS**

**Consent Agenda**

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

Commissioners' Items Removed for Later Discussion 10-A, 10-B

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

Commissioner Stermer moved to approve the balance of the Consent Agenda.  
Commissioner Henriksson 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 Item 6.

**SIXTH ORDER OF BUSINESS**

**Resolution No. 2008-147 of the City Commission of the City of Weston, Florida, considering Application No. 08-2130, approval of the site plan for the Palace at Weston Senior Living site, to construct 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***

The Resolution was read into the record by title.

Debbie Orshefsky, Esq. of Greenberg Traurig gave the applicant presentation.

The item was opened for public comment. Resident Gina Ruiz-Houston commented.

Commissioner Stermer moved to approve Resolution No. 2008-147 with the five conditions.  
Commissioner Chermak seconded the motion.

1. Prior to the issuance of a building permit for a principle structure, the Palace Developer shall remove the existing chain-link fence and pillars along the common property line of Palace I and Opal Creek and install 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.
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 of the replacement lights prior to the issuance of a building permit for a principle structure.
3. The Palace Developer agrees to seek an ALF license pursuant to Chapter 429, Part I, Florida Statutes, for all sleeping rooms within the ALF portion of Palace II. The Palace Developer agrees to obtain an ALF license within 180 days from the issuance of final certificate of occupancy for Palace II. If the Palace Developer does not obtain an ALF license within this time frame, interior renovations will be completed to include only independent living community units for which density is measured by each adult unit and not sleeping rooms.
4. The Palace Developer has confirmed with the City Attorney that the Emerald Estates DRI ("DRI") should be considered an "essentially built-out" DRI pursuant to Section 380.06(15)(g)(3), Florida Statutes. The DRI meets the requirements set forth in (15)(g)(3) and therefore, the Palace Developer will be working with the City and the Department of Community Affairs to provide any necessary documentation in regards to this issue prior to the issuance of any building permit for a principle structure.
5. The Palace Developer shall install a fence with a windscreen throughout the perimeter of the site prior to issuance of a building permit for a principle structure and shall maintain the site in proper condition throughout the course of construction.

Roll call vote on Resolution No. 2008-147.  
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

### SEVENTH ORDER OF BUSINESS

**Ordinance No. 2008-17 of the City of Weston, Florida, creating Section 159.039, "Adequacy of Public School Facilities" to provide for regulations implementing the state mandated requirements of public school concurrency; 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 Stermer moved to approve Ordinance No. 2008-17.  
Commissioner Henriksson seconded the motion.

Roll call vote on the Ordinance No. 2008-17.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Gomez voted yes.  
Mayor Hersh voted yes.

### EIGHTH ORDER OF BUSINESS

**Ordinance No. 2008-18 of the City of Weston, Florida, amending Chapter 92, "Property Maintenance," to provide swimming pool maintenance standards and vacant or abandoned structure standards; 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 Stermer moved to approve Ordinance No. 2008-18.  
Commissioner Gomez seconded the motion.

Roll call vote on the Ordinance No. 2008-18.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Gomez voted yes.  
Mayor Hersh voted yes.

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

**Ordinance No. 2008-19 of the City of Weston, Florida, amending the budget of the City of Weston for Fiscal Year 2007/2008 commencing October 1, 2007 and ending September 30, 2008; 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 Henriksson moved to approve Ordinance No. 2008-19.  
Commissioner Stermer seconded the motion.

Roll call vote on the Ordinance No. 2008-19.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Gomez voted yes.  
Mayor Hersh voted yes.

#### **ITEM 9-A WAS ADDED TO THE AGENDA**

**Resolution No. 2008-148 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, ratifying the Custodian Agreement with Vining-Sparks IBC, Limited Partnership.**

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. 2008-148.  
Commissioner Henriksson seconded the motion.

Roll call vote on Resolution No. 2008-148.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Gomez voted yes.  
Mayor Hersh voted yes.

#### **ITEM 9-B WAS ADDED TO THE AGENDA**

**Resolution No. 2008-149 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, authorizing the appropriate City officials to open custodial and/or safekeeping accounts and/or other banking accounts at financial institutions, as necessary.**

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. 2008-149.  
Commissioner Gomez seconded the motion.

Roll call vote on Resolution No. 2008-149.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Gomez voted yes.  
Mayor Hersh voted yes.

#### **TENTH ORDER OF BUSINESS**

#### **Consent Agenda**

Item 10-A was removed from the consent agenda for discussion.

- A. Resolution No. 2008-150 of the City Commission of the City of Weston, Florida, approving the purchase of the installation of the wireless communications systems at Regional Park and Library Park from Presidio Networked Solutions; and approving the Master Lease Agreement with Presidio Technology Capital, LLC for the lease of the necessary hardware.**

The Resolution was read into the record by title.

The item was opened for public comment. No comment from the public.

Commissioner Henriksson moved to approve Resolution No. 2008-150.  
Commissioner Stermer seconded the motion.

Roll call vote on Resolution No. 2008-150.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Gomez voted yes.  
Mayor Hersh voted yes.

Item 10-B was removed from the consent agenda for discussion.

- B. Resolution No. 2008-151 of the City Commission of the City of Weston, Florida, approving the Federally Funded Subgrant Agreement with the State of Florida, Division of Emergency Management for State Homeland Security Grant Program Funds for the Community Emergency Response Team ("CERT") Program.**

The Resolution was read into the record by title.

The item was opened for public comment. No comment from the public.

Commissioner Henriksson moved to approve Resolution No. 2008-151.  
Commissioner Stermer seconded the motion.

Roll call vote on Resolution No. 2008-151.  
Commissioner Stermer voted yes.  
Commissioner Henriksson voted yes.  
Commissioner Chermak voted yes.  
Commissioner Gomez voted yes.  
Mayor Hersh voted yes.

- C. Resolution No. 2008-152 of the City Commission of the City of Weston, Florida, supporting amendments to the Florida Statutes to increase mortgage holders' responsibility for delinquent condominium, co-operative, and homeowner associations' fees, regular assessments and special assessments on units and homes in foreclosure and on foreclosed units and homes.**

Item 10-C listed above on the Consent Agenda was approved earlier in the meeting.

**ELEVENTH ORDER OF BUSINESS**

**Commission/City Manager Agenda Requests**

**A. John R. Flint, City Manager**

Discussion regarding roundabouts on Bonaventure Boulevard at Saddle Club Road and at Blatt Boulevard.

*Jeffrey Maxwell – City Traffic Engineer, Calvin, Giordano & Associates gave a PowerPoint presentation.*

Discussion regarding improvements to Manatee Isles Drive.

*Jeffrey Maxwell – City Traffic Engineer, Calvin, Giordano & Associates gave a PowerPoint presentation.*

**B. John R. Flint, City Manager**

Discussion regarding the Planning and Zoning Advisory Board.

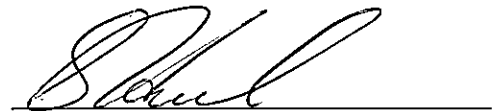
**C. John R. Flint, City Manager**

Discussion regarding HUD Neighborhood Stabilization Program Entitlement.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

The meeting adjourned at 8:35 PM.



Eric M. Hersh, Mayor