



MAYOR:	Philip K. Stoddard, PhD	CITY MANAGER:	Hector Mirabile, PhD
VICE MAYOR:	Valerie Newman	CITY ATTORNEY:	Laurence Feingold
COMMISSIONER:	Velma Palmer, PhD	CITY CLERK:	Maria M. Menendez
COMMISSIONER:	Brian D. Beasley		
COMMISSIONER:	Walter A. Harris		

## **CITY COMMISSION AGENDA**

### **City Commission Meeting**

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Regular Meeting date: January 4, 2011 Time: 7:30 PM  
Next Regular Meeting date: January 18, 2011 Time: 7:30 PM

6130 Sunset Drive, South Miami, FL; Phone: (305) 663-6340

**City of South Miami Ordinance No. 08-06-1876 requires all lobbyists before engaging in any lobbying activities to register with the City Clerk and pay an annual fee of \$500.00 per Ord. No. 44-08-1979. This applies to all persons who are retained (whether paid or not) to represent a business entity or organization to influence “City” action. “City” action is broadly described to include the ranking and selection of professional consultants, and virtually all-legislative, quasi-judicial and administrative action.**

#### **CALL TO ORDER:**

- A. Please silence or turn off all cell phones. If you must speak please leave the room:
- B. Add-On Item(s):
- C. Roll Call:
- D. Moment of Invocation:
- E. Pledge of Allegiance:
- F. Lobbyists addressing the City Commission tonight must have been registered with the City Clerk as indicated above.
- G. Presentation(s) 7:00 p.m.
  - 1) Outstanding Officer(s) of the Month
  - 2) Most Courteous Officer(s) of the Month

**ITEM (S) FOR THE COMMISSION'S CONSIDERATION:**

**1. Approval of Minutes**

- a) Minutes of December 7, 2010
- b) Minutes of December 13, 2010

**2. City Manager's Report (25 minutes)**

**3. City Attorney's Report (15-minutes)**

**PUBLIC REMARKS**

(5 minutes)

**4. Commission Reports, Discussion & Remarks (25 minutes)**

**(BEGINNING OF CONSENT)**

5. A Resolution of the Mayor and City Commission of the City of South Miami, Florida authorizing the City Manager to permit South Miami Rotary, a non-profit organization to hold its 27<sup>th</sup> Annual South Miami Rotary Art Festival on February 26 & 27, 2011, in the downtown South Miami area on Sunset Drive; providing for an effective date. 3/5

(City Manager - Parks & Rec Dept.)

6. A Resolution of The Mayor And City Commission Of The City Of South Miami, Florida Authorizing The City Manager To Enter Into Mutual Aid Agreement With The City Of North Miami Beach Police Department For General And Specific Law Enforcement Duties On Behalf Of The City Of South Miami Police Department Pursuant To Section 23.1225 (3), Florida Statutes; providing for an effective date. 3/5

(City Manager - Police Dept.)

7. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing The City Manager to expend and pay Florida Power and Light, for providing electric utility services to the City in order to maintain street lighting throughout the City, the amount of up to \$110,000.00, and charged to Account Number 001-1730-541-4650; providing for an effective date. 3/5

(City Manager - Public Works Dept.)

8. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing The City Manager to expend and pay Florida Power and Light, for providing electric utility services to the City in order to maintain electricity to all City buildings and parks infrastructure, up to the amount of \$111,840.82, and charged to Account Number 001-1710-519-4310; providing for an effective date. 3/5  
(City Manager - Public Works Dept.)
9. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to expend up to \$27,326.75 for the utilization of water and sewer from Miami-Dade County Water and Sewer, to be charged to Account Number 001-1710-519-4320; providing for an effective date. 3/5  
(City Manager - Public Works Dept.)
10. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to amend the agreement with Miami-Dade County's Department of Housing and Community Development (DHCD) to extend the expiration date from December 31, 2010 to December 31, 2011 of the fiscal year 2009 grant agreement amendment for the SW 66<sup>th</sup> Street Improvements Project-Phase II; and providing an effective date. 3/5  
(City Manager - Finance Dept.)
11. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to appropriations for the November 2, 2010 Special Election for the City of South Miami; approving the expenditure of \$5,061.32 for election costs; charging account no. 1200-512-4920; and providing an effective date. 3/5  
(City Manager - Finance Dept.)
12. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to budget, authorizing a transfer of \$2,938.68 from account no. 1200-512-4920 (Elections), to account no. 1200-512-3450 (Contractual); and providing an effective date. 3/5  
(City Manager - Finance Dept.)

(END OF CONSENT)

## RESOLUTION(S)

13. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to purchase communications and computer equipment for the police department, to upgrade the current system which is obsolete, for a total cost of \$56,336.80 being charged to account number 615-1910-521-5205 (Federal Forfeiture Computer Equipment) and expend up to \$7,000 as "flash money" for use in protracted narcotics investigations charged to account number 615-1910-521-4960 (Federal Forfeiture Special Investigations), providing for an effective date. 3/5  
(City Manager - Police Dept.)

## ORDINANCE (S) THIRD READING PUBLIC HEARING (S)

14. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending the Land Development Code Section 20-7.51 entitled "Special exceptions" in order to revise the wording in Section 20-7.51(D) to replace the word "development" with the word "new construction" for the purpose of clarifying when the time limitation begins for development projects which have been granted a special exception in the Hometown Overlay Zone (HD-OV); providing for severability; providing for ordinances in conflict; and providing an effective date. 3/5  
(City Manager-Planning Dept.)

## ORDINANCE (S) SECOND READING PUBLIC HEARING (S)

15. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, relating to the budget; authorizing an increase of expense line item 615-1910-521-5205 (Federal Forfeiture Computer Equipment) in the amount of \$56,336.80, and 615-1910-521-4960 (Federal Forfeiture Special Investigations) in the amount of \$7,000.00 from Federal Forfeiture Fund with a balance of \$125,725.00, providing for severability, ordinances in conflict and an effective date. 3/5  
(City Manager - Police Dept.)

16. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending the Land Development Code Section 20-3.3(D) entitled "Permitted Use Schedule" in order to permit a community garden as a "S" Special Use in the all TODD(LI-4)" Transit Oriented Development District (~~Light Industrial-4~~) zoning use district; and amending Section 20-2.3 entitled "Definitions" to provide a definition of a community garden; providing for severability; providing for ordinances in conflict; and providing an effective date.

(Deferred 12/07/10) 5/5

(City Manager-Planning Dept.)

17. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, relating to a request to amend the official zoning map of the City of South Miami Land Development Code by designating a commercial building located at 5875 Sunset Drive (aka The Dowling Building) as an historic site and by placement of an Historic Preservation Overlay Zone (HP-OV) over the existing zoning use district for this property; providing for severability; providing for ordinances in conflict; and providing an effective date.

3/5

(City Manager-Planning Dept.)

18. An ordinance of the Mayor and City Commission of the City of South Miami, Florida, to amend Section 20-3.3 (D) of the Land Development Code entitled "Permitted Use Schedule" in order to: change the existing "School, Elementary or Secondary" use category and the existing "School, Vocational" use category from "P" Permitted use category to "S" Special Use category; to create a new use type entitled "School, Private or Charter" with all development in the new "School, Private or Charter" use category being classified as an "S" Special Use; and amending Section 20-3.4 entitled "Special Use Conditions" in order to set forth general and special requirements applicable to all three school use categories; providing for severability; providing for ordinances in conflict; and providing an effective date.

3/5

(City Manager-Planning Dept.)

19. An Ordinance of the Mayor and the City Commission of the City of South Miami, Florida relating to the fee schedule; amending ordinance 21-09-2013 as amended by ordinances to, increasing some fees, adding new fees and deleting some fees from the schedule, providing

for severability, ordinances in conflict, and an effective date. 3/5

(City Manager - Finance Dept.)

## RESOLUTION (S) PUBLIC HEARING (S)

20. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to purchase mapping software from USA Software Inc. for a total cost of \$15,000.00 to be paid at \$5,000.00 per year for three years and charged to account number 608-1910-521-3450 (State Forfeiture Contractual Services) providing for an effective date.

(City Manager - Police Dept.) 3/5

21. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to issue a Purchase Order to Sun Recycling, LLC for the recycling of the City's yard waste in the amount up to \$135,714.75 to be charged to Public Works Refuse Disposal Fee-Recycling Account Number 001-1720-534-4341; providing for an effective date. 3/5

(City Manager - Public Works Dept.)

22. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to finance up to thirty eight (38) multi-space parking stations for an amount not to exceed \$420,000 and accepting the interest rate of 2.355% with no prepayment penalty through SunTrust Bank, charging Debt Service-Principal Account No. 001-1410-513-7110 and Debt Service-Interest Account No. 001-1410-513-7210; and providing an effective date. 4/5

(City Manager - Finance Dept.)

23. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to execute an attached agreement with the firm of Gila, LLC d/b/a/ Municipal Services Bureau (MSB) providing debt collection services for a fee constituting twenty-two percent (22%) of the principal amount owed to the City and collecting said fee in addition to the whole of said principal as part of the total payment due from the debtor. This agreement shall be for the duration of an initial one (1) year period with four (4) one (1) year option to renew

periods for a possible total term of five (5) years,  
and providing an effective date. 3/5  
(City Manager - Finance Dept.)

ORDINANCE (S) FIRST READING  
(NONE)

**CITY HAS A SIGNIFICANT GOVERNMENTAL INTEREST IN CONDUCTING EFFICIENT AND ORDERLY COMMISSION MEETINGS. SPEAKERS PLEASE TAKE NOTICE THAT SECTION 2-2.1(K)(2) OF THE CODE OF ORDINANCES PROVIDES THAT "ANY PERSON MAKING PERSONAL IMPERTINENT, OR SLANDEROUS REMARKS OR WHO SHALL BECOME BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE FORTHWITH BARRED FROM FURTHER AUDIENCE BEFORE THE COUNCIL BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE BE GRANTED BY A MAJORITY VOTE OF THE COMMISSION."**

PURSUANT TO RESOLUTION No. 246-10-13280, "ANY INVOCATION THAT MAY BE OFFERED BEFORE THE START OF REGULAR COMMISSION BUSINESS SHALL BE THE VOLUNTARY OFFERING OF A PRIVATE CITIZEN, FOR THE BENEFIT OF THE COMMISSION AND THE CITIZENS PRESENT. THE VIEWS OR BELIEFS EXPRESSED BY THE INVOCATION SPEAKER HAVE NOT BEEN PREVIOUSLY REVIEWED OR APPROVED BY THE COMMISSION, AND THE COMMISSION DOES NOT ENDORSE THE RELIGIOUS BELIEFS OR VIEWS OF THIS, OR ANY OTHER SPEAKER."

PURSUANT TO FLA STATUTES 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION OR ADMISSION OR OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.