



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

Regular Meeting date: January 18, 2011 Time: 7:30 PM
Next Regular Meeting date: February 1, 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) Florida Alliance for Renewable Energy
- 2) Outstanding Officer(s) of the Month
- 3) Most Courteous Officer(s) of the Month

ITEM (S) FOR THE COMMISSION'S CONSIDERATION:

- 1. Approval of Minutes**
 - a) Minutes of January 4, 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 concerning approval of an application pursuant to Land Development Code Section 20-4.3(N) to permit the installation of a banner over Sunset Drive to promote the Annual International Chocolate Festival, a fundraising event sponsored by Fairchild Tropical Botanic Garden to be held at the Garden on January 21-23, 2011; and providing for an effective date.** 3/5

(City Manager - Planning/Zoning Dept.)

- 6. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to accept a donation of \$500 from the Community Redevelopment Agency, increasing the expenditure line item for Cheerleading, account 001-2000-572-5631, by \$200 and Football, account 001-2000-572-5630 by \$300, through Revenue Account 001-0000-366-9100; providing an effective date.** 3/5

(City Manager - Parks & Rec Dept.)

- 7. A Resolution of the Mayor and City Commission of the City of South Miami, Florida authorizing the City Manager to accept a donation of \$250 from First National Bank of South Miami, increasing the expenditure line item 001-2000-572-5680 (Senior Citizen Program) from \$46,475 to \$46,725, through account 001-0000-366-9100 (Revenue); providing an effective date.**

(City Manager - Parks & Rec Dept.) 3/5

8. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to accept the lowest proposed price of the three submitted quotes and purchase from Pro-Grounds Products Inc. athletic field products for South Miami Park, Murray Park and Palmer Park in the amount of \$17,000 and charged to Operating Equipment account 1750-519-4620; providing an effective date. 3/5
(City Manager - Parks & Rec Dept.)

9. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; appointing Eileen Lehn to serve on the Affordable Housing Advisory Committee for a term of two years, ending January 17, 2013; and providing an effective date. 3/5
(City Commission)

10. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, verifying the amendments passed by referendum on November 2, 2010, and incorporated into the City's Charter, amending Article V, Section 2(D) requiring term limits for the Mayor and City Commissioners; and, amending Article III, Section 5, and Article VI, Section 7, requiring the City Manager to Seek City Commission approval of department director appointments; that said language conform to the ballot questions presented to the voters on November 2, 2010; and providing an effective date. 3/5
(City Attorney - City Clerk)

11. A resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the city manager to expend \$26,343.13 for the purchase of the required servers and accessories from DELL Marketing, LP, charging account number 001-1340-513-5205, Computer Equipment, and providing for 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, authorizing a transfer of \$15,340.00 from account number 001-1410-513-2210, Pension Plan Contribution, settlements to account number, 001-1410-513-2220, ICMA Deferred Compensation for \$ 5,787.00 and account number, 001-1410-513-1310,

Salaries Part-Time for \$ 9,553.00, providing and effective date. 3/5

(City Manager - Finance Dept.)

13. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to budget; authorizing a transfer of \$77,508.00 from account No. 001-1310-513-9920, City Manager's General Contingency, settlements to account No. 001-1310-513-1210, Salaries account No. 001-1310-513-2110, F.I.C.A account No. 001-1310-513-2210, Pension Plan account No. 001-1310-513-2310, Group Health account No. 001-1310-513-2410, Worker's Compensation account No. 001-1310-513-4120, Telephone-Cell Phone and account No. 001-1310-513-5210, Supplies; providing and effective date. 3/5

(City Manager - Finance Dept.)

14. A Resolution of the Mayor and City Commission of the City of South Miami, Florida consenting to and confirming the appointment of Latasha Nickle, Esq., as the Human Resources Director for the City of South Miami; providing and effective date. 3/5

(City Manager - Finance Dept.)

15. A Resolution of the Mayor and the City Commission of the City of South Miami, Florida authorizing the current City Attorney to add the duties of labor attorney to his existing contract, and to place a one-year term on the existing contract of the City Attorney; providing an effective date. 3/5

(Mayor Stoddard)

(END OF CONSENT)

RESOLUTION(S)

(NONE)

ORDINANCE (S) SECOND READING PUBLIC HEARING (S)

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 & 01/04/11) 5/5

(City Manager-Planning Dept.)

17. 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.

(Deferred 01/04/11) 3/5

(City Manager-Planning Dept.)

RESOLUTION (S) PUBLIC HEARING (S)
(NONE)

ORDINANCE (S) FIRST READING

18. 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 changing the zoning use district from "RS-3" Low-Density Residential Zoning Use District to "PR" Parks and Recreation Zoning Use District for the property identified as Van Smith Park located at 7800 SW 59 Avenue (Folio No. 09-4036-039-0020 and Folio No. 09-4036-039-0025); 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 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 changing the zoning use district from "RS-3" Low-Density Residential Zoning Use District to "PR" Parks and Recreation Zoning Use

District for the property identified as Dison Park located at 8051 SW 58 Avenue (Folio No. 09-4036-000-0520); providing for severability; providing for ordinances in conflict; and providing an effective date. 3/5

(City Manager-Planning Dept)

20. 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 changing the zoning use district from "RS-3" Low-Density Residential Zoning Use District to "PR" Parks and Recreation Zoning Use District for the property identified as All America Veterans' Memorial Park located at 6820 SW 64 Avenue (Folio No. 09-4025-000-0430); providing for severability; providing for ordinances in conflict; and providing an effective date. 3/5

(City Manager-Planning Dept.)

21. 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 changing the zoning use district from "RS-4" Single Family Residential Zoning Use District to "PR" Parks and Recreation Zoning Use District for the property identified as a part of the Murray Park Community Center located at 5800 SW 66th Street and legally described as Lot 1, Block 1, Larkins Townsite (Folio No. 09-4025-028-0010); providing for severability; providing for ordinances in conflict; and providing an effective date. 3/5

(City Manager-Planning Dept.)

22. 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 changing the zoning use district from "LO" Low-Intensity Office Zoning Use District to "PR" Parks and Recreation Zoning Use District for property identified as a part of the Murray Park Community Center located at 5845-5855 SW 68th Street and 6731 SW 58th Place, and legally described as Lots 10 thru 17, Block 8, Townsite of Larkins (Folio Nos. 09-4025-028-0900, 09-4025-028-0910, 09-4025-028-0920); providing for severability; providing for ordinances in conflict; and providing an effective date. 3/5

(City Manager-Planning Dept.)

23. 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 changing the zoning use district from "PI" Public/Institutional Zoning Use District to "RS-3" Low-Density Residential Zoning Use District for the property identified as the Rothan Residence located at 7435 SW 66 Avenue (Folio No. 09-4036-050-0020); providing for severability; providing for ordinances in conflict; and providing an effective date.

3/5

(City Manager-Planning Dept)

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.