



MAYOR:	Philip K. Stoddard, PhD	CITY MANAGER:	Hector Mirabile, PhD
VICE MAYOR:	Valerie Newman	ACTING CITY ATTORNEY:	Thomas F. Pepe
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: April 19, 2011 Time: 7:00 PM
Next Regular Meeting date: May 3, 2011 Time: 7:00 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) Proclamation for the Police Explorers
 - 2) Outstanding Officer(s) of the Month
 - 3) Most Courteous Officer(s) of the Month
 - 4) Employee of the Month

ITEM (S) FOR THE COMMISSION'S CONSIDERATION:

1. Approval of Minutes

a) Minutes of April 4, 2011

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 accept a donation of \$250 received from the South Miami Community Redevelopment Agency, increasing the expenditure line item for cheerleaders, account 001-2000-572-5631, in the amount of \$250; providing an effective date. 3/5

(City Manager-Parks & Recreation 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 \$2,000 from the Orange Bowl Youth Sports, LLC, increasing the expenditure line items for both cheerleaders, account 001-2000-572-5631, and football, account 001-2000-572-5630, by \$1,000 each; providing an effective date. 3/5

(City Manager-Parks & Recreation 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 \$1,311.54 received from the Orange Bowl Youth Sports, LLC, increasing the expenditure line item for football, account 001-2000-572-5630; providing an effective date. 3/5

(City Manager-Parks & Recreation Dept.)

8. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to budget; authorizing a transfer of \$600.00 from account No.

001-1310-513-1210, Regular Salaries and Wages, to
account No. 001-1310-513-5410, Membership &
Subscriptions; providing and effective date. 3/5
(City Manager)

9. A Resolution of the Mayor and City Commission of the
City of South Miami, Florida, relating to budget;
authorizing a transfer of \$15,000.00 from account No.
001-1910-521-1210, Salaries, settlements to account
No. 001-1910-521-4620, Repair and Maintenance
Equipment; providing and effective date. 3/5
(City Manager-Police Department)

10. A Resolution of the Mayor and City Commission of the
City of South Miami, Florida, relating to budget;
authorizing an increase of expense line item 615-1910-
521-5210 (Federal Forfeiture Supplies) in the amount of
\$3,800.00 line item 615-1910-521-5205 (Federal
Forfeiture Computer Equipment) in the amount of
\$16,935.00, line item 615-1910-521-5220 (Federal
Forfeiture Uniforms) in the amount of \$10,000.00, line
item 615-1910-521-4970 (Federal Forfeiture Employee
Testing) in the amount of \$6,000.00, and line item 615-
1910-521-6440 (Federal Forfeiture Vehicles) in the
amount of \$5,595.00, due to the obtained and received
confiscated revenues of \$80,115.00 in FY 2011 and
appropriate a total of \$42,330.00, providing for an
effective date 3/5
(City Manager-Police Department)

(END OF CONSENT)

RESOLUTION(S)

11. A Resolution of the Mayor and City Commission of the
City of South Miami, Florida, relating to boards and
committees; appointing the members of the Budget and
Finance Committee for the Fiscal Year 2011-2012; and
providing an effective date. 3/5
(Vice Mayor Newman)

12. A Resolution of the Mayor and City Commission of the
City of South Miami, Florida, exploring options with
regard to the Florida Power & Light Franchise Agreement
scheduled to expire in 2014; and providing an effective
date. 3/5
(Mayor Stoddard)

13. A Resolution of the Mayor and City Commission of the City of South Miami, Florida consenting to and confirming the appointment of Christopher Brimo, AICP as the Planning and Zoning Director for the City of South Miami, Florida; and providing an effective date.

(City Manager) 3/5

14. A Resolution of the Mayor and the City Commission of the City of South Miami, Florida, authorizing the compensation for legal services and expenses to be paid to the Acting City Attorney; and providing an effective date.

(City Attorney) 3/5

ORDINANCE (S) SECOND READING PUBLIC HEARING (S)

15. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending Chapter 7 of the Code of Ordinances of the City of South Miami to remove the wording South Florida Building Code and adopting the Florida Building Code and all other codes adopted by the Florida Building Code as the city codes together with all amendments thereafter made, and all subsequent editions, to said codes; providing for severability; providing for ordinances in conflict; providing an effective date.

(City Manager-Building Dept.) 3/5

16. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending the Land Development Code by deleting Section 20-3.1(E) entitled "Business Outside a Building", inserting new Section 20-3.6 (V) to be entitled "Commercial Activity Conducted Outside of a Building" in order to provide regulations for allowing for outside merchandise display on private property and public sidewalks; establishing limitations on type, location and extent of outside merchandise display; providing a process for obtaining permits; and providing for exceptions for certain permitted uses; providing for severability; providing for ordinances in conflict; and providing an effective date.

(City Manager-Planning Dept.) 3/5

17. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending the Land Development Code in order to update certain references

and terminology including the deletion of references to the South Florida Building Code; clarifying references to Miami-Dade County; deleting references to the Florida Health and Rehabilitative Services; and clarifying references to the Environmental Review and Preservation Board; 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, amending the Land Development Code in order to set forth standards and requirements for off-street loading by creating Section 20-4.4 (M) entitled "Off-Street Loading Requirements" 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, amending the Land Development Code Section 20-2.3 entitled "Definitions" in order to modify the definition of "Story" to clearly indicate that the use of any floor of a building as a parking level or partially for parking shall be included in the definition of a single story for the purpose of determining of the number of stories in a building; providing for severability; providing for ordinances in conflict; and providing an effective date. 3/5

(City Manager-Planning 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 execute a lease agreement for a postage machine pursuant to State of Florida Mail Processing Equipment ITB Contract No. 05-600-760-T. This lease agreement shall be for the duration of a sixty (60) month period (a five (5) year term), and shall provide for an effective date. 4/5

(City Manager-Finance Dept.)

21. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to a contract; authorizing the City Manager to execute an Agreement

between Iler Planning and City of South Miami for the purposes of providing consultant services to the Planning and Zoning Department for the preparation of the 2012 Comprehensive Plan Evaluation and Appraisal Report (EAR) in the amount of \$ 33,675 total for FY 2010-2011 and FY 2011-2012; funding for the contract shall come from the Planning and Zoning Department Account No. 001-1620-524-3450 (Contractual Services); and providing an effective date. 3/5
(City Manager-Planning Dept.)

22. A Resolution of the Mayor and City Commission of the City of South Miami, relating to a request pursuant to Section 20-4.4(J) of the Land Development Code for Special Use Approval to locate an Interim Parking lot at 7150-7160 SW 62 Avenue within the "TODD (MU-5)" Transit Oriented Development District (Mixed Use 5) Zoning District; and providing an effective date. 4/5
(Deferred 4/4/11)
(City Manager-Planning Dept.)

ORDINANCE (S) FIRST READING

23. A Ordinance of the Mayor and the City Commission of the City of South Miami, Florida amending the Pension Plan providing for the addition of Sec 16-20 (a) Powers of Board; providing for severability, ordinances in conflict, and an effective date. 3/5
(City Manager)
24. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, establishing the South Miami Farmers' Market; providing for waiving certain fees, and allowing the Farmers' Market operator special means to promote the market; providing for severability, ordinances in conflict, and an effective date. 3/5
(Mayor Stoddard)

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.