



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

CITY COMMISSION AGENDA

City Commission Meeting

Regular Meeting Date: May 26, 2011 Time: 7:00 PM
Special Meeting Date: May 31, 2011 Time: 7:00 PM
Next Regular Meeting Date: June 7, 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) Outstanding Officer(s) of the Month
 - 2) Employee of the Month
 - 3) Ludlam Elementary Earth Day Art Exhibitors Presentation
 - 4) Stroke Awareness Month Proclamation
 - 5) Public Works Month Proclamation
 - 5) US Pedestrian Study

ITEM (S) FOR THE COMMISSION'S CONSIDERATION:

1. **Approval of Minutes**
 - a) Minutes of May 3, 2011 Special Meeting
 - b) Minutes of May 3, 2011 Regular Meeting
2. **City Manager's Report** (25 minutes)
3. **City Attorney's Report** (15-minutes)
 - a) Attorney-Client Session (8:00 p.m.)

PUBLIC REMARKS

(5 minutes)

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

UNFINISHED BUSINESS

5. 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. 5/5
(City Manager-Planning Dept.)

END OF UNFINISHED BUSINESS

BEGINNING OF CONSENT

6. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to Special Magistrate Services; appointing Bruce A. Blitman, Esquire, as Special Magistrate for the City of South Miami at the rate of \$100 per hour; authorizing expenses to be charged to account #001-1640-524-3111 entitled "Code Enforcement Professional Services

Special Magistrate account; and providing an effective date. 3/5

(City Manager - Code Enforcement)

7. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to execute an Interlocal Agreement to perform Traffic Engineering Functions (AGREEMENT) between the City of South Miami (CITY) and Miami-Dade County (COUNTY), to assume the installation and maintenance responsibilities of three speed tables located within the Pinecrest Villas Neighborhood; 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 a transfer of \$8,220.00 from account number 001-1330-513-1210, Salaries, to account number 001-1330-513-3450, Contractual Services for \$5,120.00 and to account number 001-1330-513-5210, Supplies for \$3,100.00; providing an effective date. 3/5

(City Manager-Human Resources Dept.)

9. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to permit Team FootWorks Educational and Fitness Corporation, a non-for-profit organization to hold its' 23rd Annual Twilight 5K Run event on June 5, 2011, in the downtown South Miami area; providing for an effective date. 3/5

(City Manager-Parks & Recreation Dept.)

10. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, directing the Finance Director to pay Luis Reiter, with the firm of Squire Sanders and Dempsy LLP the sum of \$ 8,677.28 for services rendered for the month of April 2011; and providing an effective date. 3/5

(City Attorney)

11. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, appointing Michael Lax as the Assistant City Attorney; providing for an effective date. 3/5

(City Attorney)

END OF CONSENT

RESOLUTION(S)

12. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to enter into a settlement with the Internal Revenue Service concerning certain parking garage indebtedness involving payment of a settlement amount and defeasance and redemption, as applicable, of a portion of said indebtedness, and to execute a settlement agreement; authorizing the City's financial advisor to request proposals from banks for a loan to finance such defeasance and redemption and payment of the settlement amount; and authorizing necessary actions for implementation of these matters. 3/5
(City Manager)

ORDINANCE (S) SECOND READING PUBLIC HEARING (S) (NONE)

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

ORDINANCE (S) FIRST READING

13. An Ordinance of the City of South Miami, Florida, amending Section 15-63 of the Code of Ordinances of the City of South Miami, Florida regarding mobile street sales restrictions by clarifying the prohibition against sales during a special event, such as an exhibition, exposition, art show and/or festival; providing for severability, ordinance in conflict, and an effective date. 3/5
(City Manager-Code Enforcement)
14. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, relating to the budget; authorizing an increase of appropriations to accounts 111-1730-541-3450 (Stormwater Drain Trust Fund Contractual Services) in the amount of \$22,595, and 111-1730-541-7100 (Stormwater Drain Trust Fund Debt-Principal) in the amount of \$27,036 and 111-1730-541-7200 (Stormwater Drain Trust Fund Debt-Interest) in the amount of \$4,034 and 111-1730-541-5205 (Stormwater

Drain Trust Fund Computer Equipment) in the amount of \$1,836.94 from Fund Balance, providing for severability, ordinances in conflict and an effective date. 3/5

(City Manager - Public Works 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.