



MAYOR:	Philip K. Stoddard	ACTING CITY MANAGER:	Roger M. Carlton
VICE MAYOR:	Valerie Newman	CITY ATTORNEY:	Laurence Feingold
COMMISSIONER:	Velma Palmer	CITY CLERK:	Maria M. Menendez
COMMISSIONER:	Brian D. Beasley		
COMMISSIONER:	Walter A. Harris		

## CITY COMMISSION AGENDA

### City Commission Meeting

Regular Meeting date: April 19, 2010 Time: 7:30 PM  
Next Meeting date: May 4, 2010 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 Silence:
- 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) Brian Traylor, South Florida Regional Planning Council  
Clean Cities Coalition (Energy Efficiency & Conservation Block Grant)
  - 2) Explorers Winning Competition

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

### 1. Approval of Minutes

- a) Minutes of April 6, 2010

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

- a) Report on issues related to location of group homes: (1) Munder Group Home at 6647 SW 63 Avenue (2) Land Development Code regulations on group homes and a potential amendments. This will be a joint report from the Planning Director and the City Attorney relative to State law and the location of group homes in certain neighborhoods.
- b) Hurricane Preparedness: This will be a report from Major Michael Mills of the South Miami Police Department regarding the 2010 Hurricane Preparedness Plan. The Hurricane Preparedness Plan is in the agenda package.
- c) Red Road Commons Development Agreement Affordable Housing \$100,000 payment. This is a verbal report from the Acting City Manager regarding the status of a \$ 100,000 contribution by Red Road Commons to fund affordable housing.
- d) Status Report regarding conversion of a proposed Pedestrian Bridge on US 1 and Sunset Drive to an at-grade pedestrian safety improvement. There will be a presentation from Miami Dade Transit Agency (MDTA) staff regarding Miami Dade County's desire to substitute \$1.5 Million grant approved by the 2008 Legislature with other grant in order to allow the original funds to build a "Park and Ride" at the Quail Roost Drive South Dade Busway Stop.
- e) Installation of graffiti cameras. The Acting City Manager will give a verbal report regarding the start-up of the program.
- f) Referral of City of South Miami Charter requirement to provide a departmental performance audit every five years to the Audit Committee and Budget and Finance Committee for recommendations as to definition of Scope of Work, timing, priorities and funding source to meet the requirement.
- g) Murray Park Pool very Preliminary Draft Scope of Work. There will be a discussion by the City Commission regarding a very Preliminary Draft Scope of Work for the Murray Park Pool. The intent is for the City Commission to give direction regarding community input to the Scope of Work while still meeting time deadlines imposed by Miami Dade County.

- h) Verbal report regarding recruitment for Public Works Director, Finance Director, Parks & Recreation Director and Human Resource Manager. The Acting City Manager will brief the City Commission on the status of these four senior level recruitments.
- i) Fourth of July Celebration. This will be a discussion regarding the scope, cost and funding sources for the Fourth of July Celebration.
- j) Traffic Calming at SW 62<sup>nd</sup> Avenue and 42<sup>nd</sup> Street. This will be a request to schedule a community meeting regarding the design of a proposed traffic calming project at SW 62<sup>nd</sup> Avenue and 42<sup>nd</sup> Street.

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

**PUBLIC REMARKS**

(5 minutes)

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

- a) Recruiting for vacancy in the SMCRA Board.  
(Mayor Stoddard)

**(UNFINISHED BUSINESS)**

- 5. A resolution of the mayor and City Commission of the City of South Miami, Florida, relating to hiring a professional search service firm to assist the City Commission in the process of hiring a permanent city manager; and providing an effective date. 3/5**

*(A resolution relating to hiring an executive search company to assist the City Commission in the process of hiring a permanent city manager)*

**(Vice Mayor Newman)**

**(END OF UNFINISHED BUSINESS)**

**(BEGINNING OF CONSENT)**

- 6. A Resolution of the Mayor and City Commission of the City of South Miami, Florida authorizing the Acting City Manager to accept a grant from the Robert Wood Johnson Foundation Active Living Research Program that would allow Project Rise to observe physical activity**

at the After School House Program; providing an effective date. 3/5

*(A resolution authorizing the Acting City Manager to accept a grant from the Robert Wood Johnson Foundation Active Living Research Program that would allow Project Rise to observe physical activity at the After School House Program)*

**(Acting City Manager)**

7. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; appointing Joseph Russo to serve on the Park and Recreation Board for a two-year term ending April 18, 2012; and providing an effective date. 3/5

*(A resolution appointing Joseph Russo to the Park/Rec Bd for a 2-yr term ending 4/18/12)*

**(Vice Mayor Newman)**

8. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; appointing Antoinette B. Fischer to serve on the Citizens Advisory Group (Community Gardens & Farmers Market) for a two-year term ending April 18, 2012; and providing an effective date. 3/5

*(A resolution appointing Antoinette B. Fischer to serve on the Citizens Advisory Group (Community Gardens & Farmers Market) for a 2-yr term ending 4/18/12)*

**(Commissioner Harris)**

9. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; appointing Penny McCrea to serve on the Citizens Advisory Group (Urban Landscape) for a two-year term ending April 18, 2012; and providing an effective date. 3/5

*(A resolution appointing Penny McCrea to serve on the Citizens Advisory Group (Urban Landscape) for a 2-yr term ending 4/18/12)*

**(Mayor Stoddard)**

10. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; appointing Harvey Bernstein to serve on the Citizens Advisory Group (Urban Landscape) for a two-year term ending April 18, 2012; and providing an effective date. 3/5

*(A resolution appointing Harvey Bernstein to serve on the Citizens Advisory Group (Urban Landscape) for a 2-yr term ending 4/18/12)*

**(Committee of the Whole)**

11. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; appointing Donna Shelley to serve on the

Commission for Women for a two-year term ending April 18, 2012; and providing an effective date. 3/5

*(A resolution appointing Donna Shelley to serve on the Commission for Women for a 2-yr term ending 4/18/12)*

(Committee of the Whole)

12. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; re-appointing Gray Read to serve on the Green Task Force for a two-year term ending April 18, 2012; and providing an effective date. 3/5

*(A resolution re-appointing Grey Read to serve on the GTF for a 2-yr term ending 4/18/12)*

(Committee of the Whole)

13. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; re-appointing Kristin Hebert to serve on the Green Task Force for a two-year term ending April 18, 2012; and providing an effective date. 3/5

*(A resolution re-appointing Kristin Hebert to serve on the GTF for a 2-yr term ending 4/18/12)*

(Commissioner Harris)

14. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; re-appointing Marice Chael to serve on the Green Task Force for a two-year term ending April 18, 2012; and providing an effective date. 3/5

*(A resolution re-appointing Marice Chael to serve on the GTF for a 2-yr term ending 4/18/12)*

(Committee of the Whole)

15. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; appointing Buck Reilly to serve on the Green Task Force for a two-year term ending April 18, 2012; and providing an effective date. 3/5

*(A resolution appointing Buck Reilly to serve on the GTF for a 2-yr term ending 4/18/12)*

(Mayor Stoddard)

16. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; appointing Thomas Kosky to serve on the Pension Board for a two-year term ending April 18, 2012; and providing an effective date. 3/5

*(A resolution appointing Thomas Kosky to serve on the Pension Board for a 2-yr term ending 4/18/12)*

(Mayor Stoddard)

17. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; re-appointing Javier Baños to serve on the Pension Board for a two-year term ending April 18, 2012; and providing an effective date. 3/5

*(A resolution re-appointing Javier Baños to the Pension Bd for a 2-yr term ending 4/18/12)*

(Vice Mayor Newman)

18. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; re-appointing Peter Isern to serve on the Pension Board for a two-year term ending April 18, 2012; and providing an effective date. 3/5

*(A resolution re-appointing Peter Isern to serve on the Pension Board for a 2-yr term ending 4/18/12)*

(Committee of the Whole)

(END OF CONSENT)

RESOLUTION (S)

19. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to the Pension Ad Hoc Committee; providing for the extension of membership. 3/5

*(A resolution relating to the Pension Ad Hoc Committee; providing for the extension of membership)*

(Vice Mayor Newman)

20. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the Acting City Manager to purchase Five (5) 2010 Ford Crown Victoria Police Interceptor (CVPI) vehicles from Gus Machado Ford for an amount of \$126,700.00 and authorizing the Acting City Manager to seek the lowest bidder for financing of four (4) of the vehicles for an amount of \$101,360.00 from Police Vehicle Lease/Purchase Account # 001-1910-521-4450 and the fifth vehicle to be funded from the American Recovery and Reinvestment Act Grant in the amount of \$25,340.00 and authorizing the expenditure of not more than \$24,754.80 for emergency equipment and installation from Dana Safety Supply and \$1,957.80 for graphics installation by Graphics Design International for five (5) vehicles from Police Operating Equipment Account # 001-1910-521-6430, Providing for an effective date. 3/5

*(A resolution authorizing the Acting City Manager to purchase (5) 2010 Ford Crown Victoria Police Interceptor vehicles from Gus Machado Ford for an amt of \$126,700; and authorizing the ACM to seek the lowest bidder for financing (4) of the vehicles for an amt of \$101,360; and a 5<sup>th</sup> vehicle to be funded from the ARRA grant in the amt of \$25,340; authorizing the expenditure of not more than \$24,754.80 for emergency equip/installation from Dana Safety Supply; and \$1,957.80 for graphics installation by Graphics Design Int'l for (5) vehicles)*

**(Acting City Manager)**

- 21. A resolution of the Mayor and City Commission of the City of South Miami, Florida, ratifying the prior termination of W. Ajibola Balogun as City Manager and expressing the desire of the City Commission not to reinstate or re-employ W. Ajibola Balogun, as City Manager under any circumstances; and providing for an effective date. (Deferred 4/06/10) 3/5**

*(A resolution ratifying the prior termination of W. Ajibola Balogun as City Manager and expressing the desire of the City Commission not to reinstate or re-employ W. Ajibola Balogun, as City Manager under any circumstances)*

**(City Attorney)**

- 22. A Resolution of the Mayor and City Commission of the City of South Miami, Florida directing the Planning and Zoning Department and the Planning Board to consider an ordinance revising Land Development Code Section 20-3.1(E) entitled "Business Outside a Building" in order to clarify the current regulation by establishing specific limitations on type and extent of conducting business outside of a building and a process for obtaining both permanent and temporary permits; and providing for an effective date. 3/5**

*(A resolution directing the P/Z Dept and the PB to consider an ordinance revising LDC Sec. 20-3.1(E) entitled "Business Outside a Building" in order to clarify the current regulation by establishing specific limitations on type and extent of conducting business outside of a building and a process for obtaining both permanent and temporary permits)*

**(Acting City Manager)**

- 23. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; appointing Jaquira Wilson to serve on the South Miami Community Redevelopment Agency (SMCRA) Board for a two-year term ending April 5, 2012; and providing an effective date. (Deferred 4/06/10) 3/5**

*(A resolution appointing Jaquira Wilson to serve on the SMCRA Bd for a 2-yr term ending 4/05/12)*

**(Commissioner Beasley)**

ORDINANCE (S) SECOND READING PUBLIC HEARING (S)

24. 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 7221 SW 58 Avenue (aka Bougainvillea Tavern) and legally described as being a portion of Lots 51 and 52, less east 50 feet, in W.A.Larkin's Subdivision, recorded in Plat Book 3, page 198 of Miami-Dade County Public Records, 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. 4/5

(Acting City Manager)

25. An ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending Article VI, Purchasing, of Chapter 2 of the City Code, to provide for and regulate Design-Build Contracts; providing for conflicts, severability and an effective date. 3/5

(Mayor Stoddard)

26. An ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending the South Miami Code of Ordinances in order to remove existing Section 15-100 entitled "Malicious defacement, marking of real property" and creating a new Section 15-100 entitled "Graffiti and graffiti removal" which contains the following sections; definitions; prohibited activity; possession of spray paint and markers; anti-graffiti trust fund; declaration of nuisance; responsibility of property owners, graffiti removal and notice; appeals; failure to comply, cost of removal, liens, foreclosures; disputing assessed costs; providing for severability; providing for ordinances in conflict; and providing for an effective date. 3/5

(Acting City Manager)

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

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

ORDINANCE (S) FIRST READING

27. An ordinance of the Mayor and City Commission of the City of South Miami, Florida authorizing the Acting City Manager to finance the purchase of four (4) 2010 Ford Crown Victoria Police Interceptors for a total amount of \$101,360.00 and accepting the interest rate of 3.08% for a five (5) year financing term through Suntrust Bank with twenty (20) quarterly payments in the amounts of \$5,487.70 and charging to the Police Department's Vehicle Lease/Purchase Account Number 001-1910-521-4450; Providing for severability, ordinances in conflict, and an effective date. 4/5  
(Acting City Manager)

28. An ordinance of the Mayor and City Commission of the City of South Miami, Florida, related to the Code of Ordinances, amending Section 2.26.12 (a) and (c) entitled "Green Task Force," in order to amend the membership composition of the Task Force; providing for severability, ordinances in conflict; and providing 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 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.