



MAYOR:	Philip K. Stoddard	ACTING CITY MANAGER:	Buford R. Witt
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: August 3, 2010 Time: 7:00 PM  
Next Regular Meeting date: August 17, 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. Officers of the Month

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

- 1. Approval of Minutes**
  - a) Minutes of July 20, 2010
- 2. City Manager's Report** (25 minutes)  
(Attached)
- 3. City Attorney's Report** (15-minutes)

**PUBLIC REMARKS**

(5 minutes)

- 4. Commission Reports, Discussion & Remarks** (25 minutes)
  - a) Discussion regarding the Charter Review Committee.  
**(Commissioner Harris)**
  - b) Discussion regarding a proposed ordinance requiring that all businesses (including apartment buildings and condominiums) comply with recycling being mandated.  
**(Commissioner Harris)**

**(BEGINNING OF CONSENT)**

- 5. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to budget; authorizing a transfer of \$115,000.00 from account No. 001-2100-519-3211, Performance Audit, settlements to account No. 001-1500-514-3120 for \$66,726.00, Professional Services Cost, and to account No. 001-1500-514-3440 for \$25,258.00, Consulting-Labor Attorney, and to account No. 001-1500-514-3410 for \$23,016.00, Litigation; providing an effective date.**

*(Deferred 7/20/10) 3/5*

*(A resolution authorizing a transfer of \$115,000.00 the Performance Audit Acct w/bal\$115,000.00, to the Professional Services Cost, Consulting-Labor Attorney and Litigation accts)*

**(Acting City Manager)**
- 6. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to budget;**

authorizing a transfer of \$1,797 from Account No. 001-1330-513-40-80, Employee Education, to Account No. 001-1330-513-48-50, Non-Legal Advertising; providing an effective date. 3/5

*(A resolution authorizing a transfer of \$1,797 from the Employee Education w/bal \$1,797.99, to the Non-Legal Advertising Acct)*

(Acting City Manager)

7. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to budget; authorizing a transfer of \$900 from Account No. 1640-524-52-10, Supplies; \$600 to Account No. 1640-524-40-80, Employee Education and \$300 to Account No. 1640-524-40-70, Travel & Conference; providing an effective date. 3/5

*(A resolution authorizing a transfer of \$900 from the Supplies Acct w/bal\$2762; \$600 to the Employee Education and \$300 to the Travel & Conference Accts)*

(Acting City Manager)

8. A Resolution of the City Commission of the City of South Miami, Florida, accepting and endorsing Palmer Park light repairs to provide safe usage of the Athletic Fields; providing for an effective date. 3/5

*(A resolution accepting and endorsing Palmer Park light repairs to provide safe usage of the Athletic Fields)*

(Acting 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 \$10.00 from Account No. 001-1620-524-4070, Travel to Account No. 001-1620-524-5210, Supplies; providing an effective date. 3/5

*(A resolution authorizing a transfer of \$10.00 from the Travel Acct w/bal\$52.40 to the Supplies Acct)*

(Acting City Manager)

(END OF CONSENT)

RESOLUTION (S)

10. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to attorneys' fees; approving attorneys' fees for Squire Sanders and Dempsey, LLP in the amount of \$31,912.19; charging

account no. 001.1500.514.3410 legal Services-Litigation; and providing an effective date. 3/5  
(A resolution approving attorneys' fees for Squire Sanders and Dempsey in the amt of \$31,912.19; charging the legal Services-Litigation Acct w/bal\$33,190.63)

(Mayor Stoddard)

At this time the Commission will take a brake to meet in Executive Session for approximately 30 minutes

11. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, pursuant to Chapter 8A of the Code of Ordinances, authorizing the reimbursement of legal fees to Vice Mayor Newman; and providing an effective date. 3/5  
(A resolution authorizing the reimbursement of legal fees to Vice Mayor Newman)

(Commissioner Beasley)

12. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, urging streamlined easy access to Florida Power and Light data that reports annual electricity usage in the residential, commercial, and industrial sectors within a particular jurisdictional boundary; providing an effective date. 3/5  
(A resolution urging streamlined easy access to FPL data that reports annual electricity usage in the residential, commercial, and industrial sectors within a particular jurisdictional boundary)

(Mayor Stoddard)

13. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, endorsing the establishment of the constitutional standards contained in FairDistricts Amendments 5 and 6 and disapproving Amendment 7; and providing an effective date. 3/5  
(A resolution endorsing the establishment of the constitutional standards contained in FairDistricts Amendments 5 and 6 and disapproving Amendment 7)

(Mayor Stoddard)

14. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, establishing the Farmers Market to take place in the parking lot in front of City Hall on Saturdays during the winter months; and providing an effective date. 3/5  
(A resolution establishing the Farmers Market to take place in the parking lot in front of City Hall on Saturdays during the winter months)

(Commissioner Harris)

15. A Resolution of the Mayor and City Commission of the City of South Miami, Florida approving the Green Master Plan

for the City of South Miami; providing for an effective date. 3/5

(A resolution approving the Green Master Plan for the City of South Miami)

(Commissioner Harris)

## 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 City Charter by establishing term limits for the Mayor and City Commission, subject to approval by the electorate at a referendum to be held on November 2, 2010; providing ballot language; directing the City Clerk to take all necessary actions to carry out the provisions of this ordinance; providing an effective date for the amendment and directing the City Clerk to incorporate the amendment into the Charter and to file the revised charter with the Florida Department of State; providing for severability, conflict, and an effective date. 3/5  
(Mayor Stoddard)

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 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. (Approved 1<sup>st</sup> Read. 4/6/10) 4/5  
(Motion to continue 4/19/10; Pulled from Agenda 6/02/10)  
(Acting City Manager)

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 "NR" Neighborhood Retail Zoning Use District to "SR" Specialty Retail Zoning Use District for property located at 6800, 6820, and 6842 SW 62 Avenue; the purpose of the zone change is to allow

construction of a four story mixed use office building; providing for severability; providing for ordinances in conflict; and providing an effective date. 5/5

(Acting City Manager)

(1<sup>st</sup> Reading 6/8/10)

19. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida amending the South Miami Pension Plan, providing for an amendment to Section 16-12, Definitions, to comply with current City policy concerning the definitions of annual compensation, final average compensation, department head, employee, full time employee, participation and part-time employee; amending Section 16-14(f)(1)(b) to allow retired participants to change a beneficiary up to two times at the participant's cost in compliance with Chapter 2009-97, Laws of Florida; amending the City of South Miami Police Officers Retirement Trust Fund to provide for compliance with chapter 2009-97, Laws of Florida; amending Section 16-17(b) to eliminate the 3% interest payment on return of contribution; providing for severability; providing for codification; and providing for an effective date. 3/5

(Acting City Manager)

## RESOLUTION (S) PUBLIC HEARING (S)

20. A Resolution of the Mayor and City Commission of the City of South Miami, relating to a request pursuant to Section 20-3.3(D) of the Land Development Code for special use approval to operate a mobile car wash in an "SR(HD-OV)" Specialty Retail (Hometown District Overlay) zoning district, specifically located in the parking garage of Plaza 57 an office building at 7301 SW 57th Court; and providing for an effective date. 4/5

*(A resolution for special use approval to operate a mobile car wash in an Specialty Retail zoning district, specifically located in the parking garage of Plaza 57 an office building at 7301 SW 57th Ct)*

(Acting City Manager)

## ORDINANCE (S) FIRST READING

21. Motion to reconsider the action taken by the City Commission at the City Commission Meeting of July 20, 2010 on the following item no. 17 as shown on attached After Action Summary Excerpt. 3/5

(Commissioner Harris)

22. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, proposing to the City's electors amendments to Articles III and VI of the City's Charter to provide that all department directors appointed by the City Manager shall be subject to the approval or rejection by the City Commission; providing for the proposed amendment to be submitted to the City's electors at the next General Election of November 2, 2010; providing ballot language; directing the City Clerk to take all necessary actions to carry out the provisions of this ordinance; providing an effective date for the amendment and directing the City Clerk to incorporate the amendment into the charter and to file the revised Charter with the Florida Department of State; providing for severability, conflict, and an effective date. 3/5

(Mayor Stoddard)

23. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida amending the South Miami Code of Ordinances by adding Section 7-17 entitled "Type of Construction Required of All Principal Buildings" and Section 7-18 entitled "Staging of construction and damage to public property, rights-of-way, alleys or easements and trees and landscaping" to Chapter 7 "Buildings" in order to list the types of construction allowed and prevent damage to public property; providing for severability; providing for ordinances in conflict; and providing for an effective date. (Deferred 7/20/10) 3/5

(Acting City Manager)

24. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida amending the South Miami Code of Ordinances by amending Chapter 10a Floods Article 2 Definitions "Manufactured home"; providing for severability; providing for ordinances in conflict; and providing for an effective date. 3/5

(Acting City Manager)(Deferred 7/20/10)

25. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending the Land Development Code Section 20-8.9 entitled "Special exceptions" in order to set a time limit for commencing a development project which has been granted a special exception in a Transit Oriented Development District (TODD); providing for severability; providing for

ordinances in conflict; and providing an effective date. 3/5

(Acting City Manager)

26. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, to amend Section 20-6.1 (a)(3) of the Land Development Code entitled "Administrative Entities-City Commission" in order to revise provisions related to the vote requirement of the City Commission on ordinances and resolutions pertaining to the land use and development regulations in order to make the voting requirement consistent with the Charter Amendment adopted November 4, 2008 and with the interpretation of the Charter Amendment as set forth in Resolution No. 53-10-13087; providing for severability; providing for ordinances in conflict; and providing an effective date. 3/5

(Acting City Manager)

27. 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

(Mayor Stoddard)

28. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, to amend Section 20-5.16(F) of the Land Development Code entitled "Unity of Title submittal procedures" in order to remove all references to a Declaration of Restrictive Covenants in Lieu of Unity of Title and subsection 20-5.16(F) entitled "Required provisions to be included in the Declaration of Restrictive Covenants in Lieu of Unity of Title"; amending Section 20-7.30 (A) and Section 20-8.16 (A) to remove all references to a Declaration of Restrictive Covenants in Lieu of Unity of Title;

providing for severability; providing for ordinances in conflict; and providing an effective date. 3/5  
(Mayor Stoddard)

29. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida relating to Article III "Boards and Committees" of the Code of Ordinances; amending Parks and Recreation Board section 2-26.3 (a) and (c) by increasing the number of voting members from seven (7) to nine (9); updating appointment of membership to comply with Charter amendment approved by the voters at the February 9, 2010 General and Special Election; and, by amending the quorum; 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 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.