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| 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 17, 2010 Time: 7:00 PM
Next Regular Meeting date: September 7, 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.
(NONE)

ITEM (S) FOR THE COMMISSION'S CONSIDERATION:

1. **Approval of Minutes**
 - a) Minutes of July 27, 2010
 - b) Minutes of August 3, 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)

(UNFINISHED BUSINESS)

ORDINANCE (S) FIRST READING

5. 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)
6. 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.(Deferred 7/20/10)3/5

(Acting City Manager)
7. 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)

8. 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)

9. 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)

10. 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)

(END OF UNFINISHED BUSINESS)

(BEGINNING OF CONSENT)

11. A Resolution of the Mayor and City Commission of the City of South Miami, Florida authorizing the Acting City Manager to accept a donation of \$345.00 from CE North America, LLC, increasing the expenditure line item for Cheerleading (001-2000-572-5631), by \$345.00, through account number 001-0000-366-91-00, "Donation Account"; providing for an effective date. 3/5

(A resolution authorizing the ACM to accept a donation of \$345 from CE No America, increasing the expenditure line item for the Cheerleading Acct)

(Acting City Manager)

12. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; appointing James Adt to serve on the Citizens Advisory Group (Urban Landscape) for an unexpired term ending April 18, 2012; and providing an effective date. 3/5

(A resolution appointing James Adt to serve on the Urban Landscape Advisory Group for an unexpired term ending 4/18/12)

(City Commission)

13. A Resolution of the Mayor and City Commission of the City of South Miami, Florida appointing Buck Reilly as the City of South Miami representative to the Miami-Dade Office of Community Image Advisory Board (CIAB); providing for an effective date. 3/5

(A resolution appointing Buck Reilly as the CSM representative to the Miami-Dade Office of Community Image Advisory Board)

(Mayor Stoddard)

14. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; appointing Ana D. Sanchez to serve on the South Miami Community Redevelopment Agency (SMCRA)

Board for a two-year term ending August 16, 2012; and providing an effective date. 3/5

(A resolution appointing Ana D. Sanchez to serve on the (SMCRA) Board for a two-year term ending August 16, 2012)

(Mayor Stoddard)

15. A resolution of the Mayor and City Commission of the City of South Miami, Florida, declaring the policy of the City to encourage and promote community gardens within the City; providing an effective date. 3/5

(A resolution declaring the policy of the City to encourage and promote community gardens within the City)

(Commissioner Harris)

16 A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to budget; authorizing a transfer of \$25,000.00 from account No. 001-1790-519-6440, Public Works Capital Improvements, settlements to account No. 001-1410-513-3450, Finance Contractual Services; providing and effective date. 3/5

(A resolution authorizing a transfer of \$25,000.00 from the Public Works Capital Improvements Acct w/current bal\$148,885.58, to the Finance Contractual Services w/current bal\$51,074.97)

(Acting City Manager)

17. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the Acting City Manager to engage Keefe, McCullough & Co., LLP for an amount not to exceed \$25,000 to perform a special audit of the city owned parking garage located at 5829 SW 73rd Street; and providing an effective date. 3/5

(A resolution authorizing the ACM to engage Keefe, McCullough & Co. for an amt not to exceed \$25,000 to perform a special audit of the City-owned parking garage located at 5829 SW 73 St)

(Acting City Manager)

(END OF CONSENT)

RESOLUTION (S)

18. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the Acting City Manager to hire Richard Montalbano of RBC Capital Markets as the City's Financial Advisor to analyze the City's financial position with respect to bond re-financing; and providing an effective date. 3/5

(A resolution authorizing the ACM to hire Richard Montalbano of RBC Capital Markets as the City's Financial Advisor)

(City Attorney) (Deferred 07/20/10)

ORDINANCE (S) SECOND READING PUBLIC HEARING (S)

19. 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)

20. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending the South Miami Code of Ordinances by creating Chapter 19A "Towing Regulations", regulating towing within the City; providing for conflict, severability and an effective date.

(Approved 1st Reading 07/27/10) 3/5

(Commissioner Beasley)

21. 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)

RESOLUTION (S) PUBLIC HEARING (S)

22. A Resolution of the Mayor and City Commission of the City of South Miami, Florida relating to the issuance

of a Certificate of Appropriateness pursuant to Section 20-5.19(E)(3) of the Land Development Code to permit exterior renovation on a designated historic single family building located at 6118 SW 56 Street (Miller Drive) in the Cambridge Lawns Historic District; providing an effective date. 3/5

(Acting City Manager)

(A resolution to permit exterior renovation on a designated historic single family building located at 6118 SW 56 St)

23. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to financial audit services, authorizing the Acting City Manager to hire a new financial auditor and execute a two-year audit contract with the audit firm of Keefe, McCullough & CO. LLP., with the option to renew for one year, if so desired by the City, and providing for an effective date. 3/5

(Acting City Manager)

(A resolution authorizing the ACM to hire a new financial auditor and execute a two-year audit contract with the audit firm of Keefe, McCullough & CO., with the option to renew for one year)

ORDINANCE (S) FIRST READING (CONT'D)

24. 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 Group Home I use category from a "P" Permitted use category to the "S" Special Use category; and amending Section 20-3.4 entitled "Special use conditions" in order to set forth general and special requirements applicable to Group Home I uses; providing for severability; providing for ordinances in conflict; and providing an effective date. 3/5

(Acting City Manager)

25. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, to amend Section 20-5.19(E)(3) of the Land Development Code entitled "Certificates of Appropriateness" in order to modify subsection (3) to provide that decisions of the Historic Preservation Board on certificates of appropriateness to be final; and providing for an appeal of any decisions on certificates of appropriateness to be made to the City Commission;

providing for severability; providing for ordinances in
conflict; and providing an effective date. 3/5
(Acting City Manager)

**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.