



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:	September 7, 2010	Time:	7:00 PM
Special Meeting date (Budget):	September 14, 2010	Time:	7:30 PM
Next Regular Meeting date:	September 21, 2010	Time:	7:30 PM
Special Meeting date:(Budget):	September 28, 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. A "Thank You" presentation by US Census Bureau - Atlanta Regional Census Center.
 2. Proclamation for Alzheimer's Memory Walk

ITEM (S) FOR THE COMMISSION'S CONSIDERATION:

1. **Approval of Minutes**
 - a) Minutes of August 5, 2010
 - b) Minutes of August 12, 2010
 - c) Minutes of August 17, 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)

(UNFINISHED BUSINESS)

ORDINANCE (S) FIRST READING

5. 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)

6. An ordinance of the Mayor and City Commission of the City of South Miami, Florida, to amend Section 20-5.19(E) of the Land Development Code entitled "Certificates of Appropriateness" in order 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)

ORDINANCE (S) SECOND READING PUBLIC HEARING (S)

7. 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)
8. 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)

(END OF UNFINISHED BUSINESS)

(BEGINNING OF CONSENT)

9. A Resolution of the Mayor and City Commission of the City of South Miami, Florida concerning an application pursuant to Land Development Code Section 20-4.3(N) to permit the installation of a banner over Sunset Drive to promote the Komen Race for the Cure a 5K Run/Walk fund raising event sponsored by Team Foot Works to be held in Bayfront Park on October 16, 2010; providing for an effective date. 3/5
(A Resolution to permit the installation of a banner over Sunset Dr to promote the Komen Race for the Cure a 5K Run/Walk fund raising event sponsored by Team Foot Works to be held in Bayfront Park on 10/16/10)
(Acting City Manager)
10. A Resolution of the Mayor and City Commission of the City of South Miami, Florida authorizing the Acting City Manager to hire a part time worker/instructor for the Senior Citizens division to replace a former employee who resigned; providing an effective date. 3/5
(A Resolution authorizing the ACM to hire a part-time worker for the Sr Citizens Division to replace a former employee who resigned)

(Acting City Manager)

11. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to budget; authorizing a transfer of \$15,510.24 from account No. 001-1320-513-5210, Central Services Supplies, settlements to account No. 001-1310-513-3450, City Manager Contractual Services; providing an effective date. 3/5

(A Resolution authorizing a transfer of \$15,510.24 from the Central Services Supplies Acct w/current bal\$15,510.24 to the CM Contractual Services Acct)

(Acting City Manager)

12. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to budget; authorizing a transfer of \$500 from account No.001-1310-513-4630, settlements to account No.001-1500-514-4065, City Attorney's Expense; providing an effective date. 3/5

(A Resolution authorizing a transfer of \$500 from Acct No. 001-1310-513-4630 w/current bal\$500 to the CA Expense Acct)

(Acting City Manager)

13. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to budget; authorizing a transfer of \$13,250 from account No.001-2100-519-4720, settlements to account No.001-1340-513-4630, Maintenance and Repair Computer Equipment \$ 7,850 and account No.001-1340-513-3450 Contractual Services Infrastructure for \$5,400; providing an effective date. 3/5

(A Resolution authorizing a transfer of \$13,250 from account No.001-2100-519-4720 w/current bal\$13,256.97 to the Maintenance & Repair Computer Equip and the Contractual Services Infrastructure accts respectively)

(Acting City Manager)

14. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to budget; authorizing a transfer of \$40,000 from account No.001-2100-519-2220, settlements to account No.001-2100-1310-3450, City Manager Contractual Services Infrastructure; providing an effective date. 3/5

(A Resolution authorizing a transfer of \$40,000 from acct No.001-2100-519-2220 w/current bal\$44,142.63, to the City Manager Contractual Services Infrastructure acct)

(Acting City Manager)

15. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to budget; authorizing a transfer of \$165 from account

No.001.1410.513.6410 and a transfer of \$4,524 from account No.001.1410.513.6430, a total of \$4,689, settlements to account No.001.1410.513.5210, Finance Operating Supplies; providing an effective date. 3/5
(A Resolution authorizing a transfer of \$165 from acct No.001.1410.513.6410 and a transfer of \$4,524 from acct No.001.1410.513.6430 w/current bals\$165 & \$4,524.30 respectively, to the Finance Operating Supplies acct)

(Acting City Manager)

16. A Resolution of the Mayor and City Commission of the City of South Miami, Florida authorizing the Acting City Manager to transfer funds from account #001-2000-572-6430 (Operating Equipment) in the amount of \$5,906.31, transferring this amount into account # 001-2020-519-4320 (Water) to pay a deficit for the Water & Sewer bill, providing an effective date. 3/5

A Resolution authorizing a transfer of \$5,906.31 from the Operating Acct w/current bals\$14,857.95, into the Water Acct)

(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 issue a Purchase Order to A & Q Fence Corp. for the purchase and installation of 340lf of aluminum picket fence at Dante Fascell Park playground in the amount of \$6,400.00 to be charged to Public Works Parks Maintenance & Repairs Operating Equipment Account Number 001-1750-519-4620; providing for an effective date. 3/5

(A Resolution authorizing the ACM to issue a PO to A&Q Fence for the purchase and installation of aluminum picket fence at Dante Fascell Park playground in the amt of \$6,400.00 to be charged to Public Works Parks Maintenance & Repairs Operating Equip Acct w/current bal\$8,464.12)

(Acting City Manager)

18. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the Acting City Manager to issue a Purchase Order to Professional Pavement Products, Inc. for the purchase of 25 MPH speed limit signs, poles and installation hardware in the amount of \$14,258.95 to be charged to Local Option Gas Tax Trust Fund Account Number 112-1730-541-3450; providing for an effective date. 3/5

(A Resolution authorizing the ACM to issue a PO to Professional Pavement Products, for the purchase of 25 MPH speed limit signs, poles and installation hardware in the amt of \$14,258.95 to be charged to the Local Option Gas Tax Trust Fund Acct w/current bal\$70,000)

(Acting City Manager)

19. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the Acting

City Manager to execute a one-year service contract with Bamaco Inc, and All Florida Tree & Landscape for Emergency Debris Removal; providing for an effective date. 3/5

(A Resolution authorizing the ACM to execute a one-year service contract with Bamaco, and All Florida Tree & Landscape for Emergency Debris Removal)

(Acting City Manager)

(END OF CONSENT)

RESOLUTION (S)

20. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the Acting City Manager to execute a contract agreement with International Consulting Firm (IDC) a Multimedia and information Technology Consulting Services in the amount of \$6,600.00; and providing an effective date.

(A Resolution authorizing the ACM to execute a contract agreement with Int'l Consulting Firm (IDC) in the amt of \$6,600.00) 3/5

(Acting City Manager)

21. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the Acting City Manager to terminate the take home vehicle program for non-police staff; and providing for an effective date. 3/5

(A Resolution authorizing the ACM to terminate the take home vehicle program for non-police staff)

(Acting City Manager)

22. A resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; creating an Insurance Advisory Committee in order to analyze the cost effectiveness and efficiency of all City insurance policies; providing an effective date. 3/5

(A resolution creating an Insurance Advisory Committee in order to analyze the cost effectiveness and efficiency of all City insurance policies)

(Mayor Stoddard)

23. 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)

(Mayor Stoddard)

ORDINANCE (S) SECOND READING PUBLIC HEARING (S)
(CONT'D)

24. 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. (*Deferred 8/03/10*) 3/5
(Acting City Manager)
25. 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 1st Read. 4/6/10*) 4/5
(*Motion to continue 4/19/10; Pulled from Agenda 6/02/10*)
(Acting City Manager)
26. An Ordinance of the Mayor and City Commission of the City of South Miami Florida, amending the Future Land Use Map of the South Miami Comprehensive Plan by changing the future land use category from Single-Family Residential (Two-Story) to Parks and Open Space for the property identified as All-America Park located

at 6820 SW 64 Avenue (Folio No. 09-4025-000-0430); providing for severability; providing for ordinances in conflict; and providing an effective date. 4/5
(Acting City Manager)

27. An ordinance of the Mayor and City Commission of the City of South Miami Florida, amending the Future Land Use Map of the South Miami Comprehensive Plan by changing the future land use category from Single-Family Residential (Two-Story) to Parks and Open Space for the property identified as Van Smith Park located at 7800 SW 59 Avenue (Folio No. 09- 4036-039-0020 and Folio No. 09-4036-039-0025); providing for severability; providing for ordinances in conflict; and providing an effective date. 4/5
(Acting City Manager)

28. An Ordinance of the Mayor and City Commission of the City of South Miami Florida, amending the Future Land Use Map of the South Miami Comprehensive Plan by changing the future land use category from Single-Family Residential (Two-Story) to Parks and Open Space for the property identified as Dison Park located at 8051 SW 58 Avenue (Folio No. 09-4036-000-0520); providing for severability; providing for ordinances in conflict; and providing an effective date. 4/5
(Acting City Manager)

29. An Ordinance of the Mayor and City Commission of the City of South Miami Florida, amending the Future Land Use Map of the South Miami Comprehensive Plan by changing the future land use category from Educational (Four-Story) to Single-Family Residential (Two-Story) for the property identified as the Rothan residence located at 7435 SW 66 Avenue (Folio No. 09-4036-050-0020); providing for severability; providing for ordinances in conflict; and providing an effective date. 4/5
(Acting City Manager)

30. 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)

31. 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)

32. 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)

ORDINANCE (S) FIRST READING (CONT'D)

33. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, modifying chapter 13 of the City Code to substitute the term Business Tax Receipt for occupational license tax to conform with the term used in Chapter 205 F.S.; providing for severability, conflict and 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.