



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

## **CITY COMMISSION AGENDA**

### **City Commission Meeting**

Regular Meeting date: April 4, 2011 Time: 7:00 PM  
Next Regular Meeting date: April 19, 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) Recognizing Board Members

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

1. **Approval of Minutes**
  - a) Minutes of March 1, 2011
  - b) Minutes of March 15, 2011
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

### RESOLUTION (S) PUBLIC HEARING (S)

5. A Resolution of the Mayor and City Commission of the City of South Miami, relating to a request pursuant to Section 20-4.4(J) of the Land Development Code for Special Use Approval to locate an Interim Parking lot at 7150-7160 SW 62 Avenue within the "TODD (MU-5)" Transit Oriented Development District (Mixed Use 5) Zoning District; and providing an effective date. 4/5  
(City Manager-Planning Dept.)

### ORDINANCE (S) FIRST READING

6. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending Chapter 7 of the Code of Ordinances of the City of South Miami to remove the wording South Florida Building Code and adopting the Florida Building Code and all other codes adopted by the Florida Building Code as the city codes together with all amendments thereafter made, and all subsequent editions, to said codes; providing for severability; providing for ordinances in conflict; providing an effective date. 3/5

(City Manager-Building Dept.)

7. 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)

8. 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 Food and Garden Festival, a fund raising event to be held at Fairchild Tropical Botanic Garden April 30-May 1, 2011; providing for an effective date. 3/5  
(City Manager-Planning & Zoning Dept.)
9. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing a transfer of \$4,572.75 from Account No. 001-1320-513-2210, Pension Plan Contribution, to Account No. 001-1320-513-2220, ICMA Deferred Compensation, for \$4,572.75; providing an effective date. 3/5  
(City Manager-Finance Dept.)
10. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing a transfer of \$6,720.00 from Account No. 001-1330-513-2210, Pension Plan Contribution, to Account No. 001-1330-513-2220, ICMA Deferred Compensation, for \$3,712.00, and to Account No. 001-1330-513-5210, Supplies for \$2,648.00 and to Account No. 001-1330-513-5410, Memberships and Subscriptions for \$360.00; providing an effective date. 3/5  
(City Manager-Finance Dept.)

11. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, declaring that the attached list of personal property is "surplus" and authorizing the City Manager to sell the "surplus" items at auction; and providing an effective date. 3/5  
(City Manager-Finance Dept.)
  
12. A Resolution of the Mayor and City Commission of the City of South Miami, Florida authorizing a change in the scope of the work and authorizing the City Manager to approve a purchase in the amount of \$10,970, to build a half basketball court at Dante Fascell Park through Leadex Corporation; using the awarded FRDAP grant (Florida Recreation Development Assistance), through FRDAP- Dante Fascell account 114-2000-572-6302; providing an effective date. 3/5  
(City Manager-Parks & Recreation Dept.)
  
13. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to boards and committees; appointing Lillie F. Harris to serve on the Affordable Housing Advisory Committee for a term of two years, ending April 3, 2013; and providing an effective date. 3/5  
(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 Dean Whitman to serve on the Planning Board for a term of two years ending April 3, 2013; and providing an effective date. 3/5  
(City Commission)

(END OF CONSENT)

### RESOLUTION(S)

15. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, adopting a rule of order whereby the appointments of all board and committee members shall regularly be placed on the Consent Agenda to be ratified by the Commission; and providing an effective date. 3/5  
(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 Land Development Code to place in one article all current regulations pertaining to historic preservation by amending Section 20-6.1 (D)(1)(a) entitled "Historic Preservation Board Establishment and Membership" in order to require that one member be a licensed attorney; and by creating new Article XI, "Historic Preservation Regulations" including Section 20-11.1 to be entitled "Historic Preservation Standards"; Section 20-11.2 to be entitled "Designation of Historic Sites"; Section 20-11.3 to be entitled "Historic Designation Reports"; Section 20-11.4 to be entitled "Demolition of designated sites; demolition by neglect and certificates of appropriateness"; Section 20-11.5 to be entitled "Special Provisions Applicable to Designated Historic Sites" and making revisions to update current wording and to modify certain provisions related to the demolition delay period; and deleting from the Land Development Code regulations pertaining to historic preservation including Sections 20-4.9, 20-4.11, 20-5.17, 20-5.18. 20-5.19; providing for severability; providing for ordinances in conflict; and providing an effective date. (Deferred 3/01/11 & 3/15/11) 3/5  
(City Manager-Planning Dept.)

17. A Ordinance of the Mayor and the City Commission of the City of South Miami, Florida amending the Pension Plan; providing for an amendment of Sec 16-37 Powers of Board; providing for severability, conflict and an effective date. 3/5  
(City Manager)

RESOLUTION (S) PUBLIC HEARING (S)  
(CONT'D)

18. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to execute a contract agreement with PropertyRoom.com, Inc. for auctioning of surplus municipal property; and providing for an effective date. 3/5  
(City Manager-Finance Dept.)

19. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to contracts; authorizing the City Manager to execute an Inter-local Agreement between Miami-Dade County, Miami-Dade Police Department, and the City Of South Miami for School Crossing Guard Services in FY 2011/2012; providing for an effective date. 3/5  
(City Manager-Police Dept.)

20. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to execute a multi-annual service agreement with MacMillan Oil Company of Florida, Inc, for the purchase and delivery of bulk fuel gasoline and diesel for the City's vehicle fleet and equipment in the amount of \$110,111.00, to be charged to Departmental Fuel Account Numbers 001-1320-513-5230, 001-1340-513-5230, 001-1640-524-5230, 001-1910-521-5230 and 001-2000-572-5230; providing for an effective date. 3/5  
(City Manager-Public Works Dept.)

ORDINANCE (S) FIRST READING  
(CONT'D)

21. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending the Land Development Code Section 20-2.3 entitled "Definitions" in order to modify the definition of "Story" to clearly indicate that the use of any floor of a building as a parking level or partially for parking shall be included in the definition of a single story for the purpose of determining of the number of stories in a building; providing for severability; providing for ordinances in conflict; and providing an effective date. 3/5  
(City Manager-Planning Dept.)

22. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending the Land Development Code in order to update certain references and terminology including the deletion of references to the South Florida Building Code; clarifying references to Miami-Dade County; deleting references to the Florida Health and Rehabilitative Services; and clarifying references to the Environmental Review and

Preservation Board; providing for severability;  
providing for ordinances in conflict; and providing an  
effective date. 3/5

(City Manager-Planning Dept.)

23. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending the Land Development Code in order to set forth standards and requirements for off-street loading by creating Section 20-4.4 (M) entitled "Off-Street Loading Requirements" providing for severability; providing for ordinances in conflict; and providing an effective date. 3/5

(City Manager-Planning 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.