



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

## **CITY COMMISSION AGENDA**

### **City Commission Meeting**

Regular Meeting Date: June 7, 2011 Time: 7:00 PM  
Next Regular Meeting Date: June 14, 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) Farmers' Market

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

### 1. Approval of Minutes

- a) Minutes of May 26, 2011
- b) Minutes of May 31, 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)

## BEGINNING OF CONSENT

5. 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 event entitled "Fairchild's International Mango Festival," a fund raising event to be held at Fairchild Tropical Botanic Garden July 9 - 10, 2011; providing an effective date. 3/5

(City Manager - Planning/Zoning Dept.)

6. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to Boards and Committees; appointing Sharon McCain to serve on the Environmental Review and Preservation Board for a two-year term ending June 6, 2013; and providing an effective date. 3/5

(Commissioner Harris)

7. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to Boards and Committees; appointing Hector C. Fernandez to serve on the Environmental Review and Preservation Board for a two-year term ending June 6, 2013; and providing an effective date. 3/5

(Mayor Stoddard)

8. A Resolution of the City of South Miami, Florida, to temporarily place the manatee sculpture painted by the South Miami Middle School students on City Property; and providing for an effective date. 3/5  
(Mayor Stoddard)

(END OF CONSENT)

RESOLUTION(S)

9. A Resolution of the City of South Miami, Florida, to temporarily donate City parking spaces, sponsor signage and post the event on the City's website for the South Miami Farmers Market; and providing for an effective date. 3/5  
(Mayor Stoddard)
10. A Resolution of the City of South Miami, Florida, authorizing the City Attorney to submit an Agency Report supporting an Alternate Corridor to the US1 transmission corridor proposed by Florida Power and Light Co; and providing for an effective date. 3/5  
(Mayor Stoddard)
11. A Resolution of the City of South Miami, Florida, authorizing the City Manager to sign a contract with Thomas F. Pepe, Esquire, to provide legal services as the City Attorney for the City of South Miami; and providing for an effective date. 3/5  
(City Attorney)

ORDINANCE (S) SECOND READING PUBLIC HEARING (S)

12. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending Section 15-63 of the Code of Ordinances of the City of South Miami, Florida regarding mobile street sales restriction by clarifying the prohibition against sales during a special event, such as an exhibition, exposition, art show and/or festival; providing for severability, ordinance in conflict, and an effective date. 3/5  
(City Manager - Code Enforcement)

13. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, relating to the budget; authorizing an increase of appropriations to accounts 111-1730-541-3450 (Stormwater Drain Trust Fund Contractual Services) in the amount of \$22,595, and 111-1730-541-7100 (Stormwater Drain Trust Fund Debt-Principal) in the amount of \$27,036 and 111-1730-541-7200 (Stormwater Drain Trust Fund Debt-Interest) in the amount of \$4,034 and 111-1730-541-5205 (Stormwater Drain Trust Fund Computer Equipment) in the amount of \$1,836.94 from Fund Balance, providing for severability, ordinances in conflict and an effective date. 3/5

(City Manager - Public Works Dept.)

14. 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

*(Approved on 1<sup>st</sup> Reading 4/4/11 \* Discussed on 2<sup>nd</sup> Reading 4/19/11 & moved to be placed again for 2<sup>nd</sup> Reading on 6/07/11 - See Excerpt Minutes attached)*

(City Manager - Planning/Zoning Dept.)

## RESOLUTION (S) PUBLIC HEARING (S)

15. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to expend \$16,935.00 for a computerized key management system from KeyTrak Inc., who was awarded the General Services Administration (GSA) government contract through 2013. As per the City Charter, the City of South Miami will piggyback this bid and purchase this computerized key management system, which includes one year software support, to prevent theft and misuse of keys, thereby providing key control at the Police Department, being charged to account number 615-1910-521-5205 (Federal Forfeiture Computer Equipment), providing for an effective date. 3/5

(City Manager - Police Dept.)

16. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to a request pursuant to Section 20-3.4(B)(4)(b) of the Land Development Code for Special Use Approval to locate a general restaurant at 5701 SW 72 Street (The Shops at Sunset Place) within the "SR(HD-OV)" Specialty Retail (Hometown District-Overlay); and providing an effective date. 3/5  
(City Manager - Planning/Zoning Dept.)

## ORDINANCE (S) FIRST READING

17. An Ordinance, amending Section 2-22 of the Code of Ordinances of the City of South Miami, Florida, to eliminate term limits for commissions, boards and committees; providing for severability, ordinances in conflict and providing for an effective date. 3/5  
(Mayor Stoddard)
18. 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. (Deferred 5/26/11) 5/5  
(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.