



## CITY OF SOUTH MIAMI

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### *City Commission*

*Philip K. Stoddard, Ph.D, Mayor*

*Walter Harris, Vice Mayor*

*Bob Welsh, Commissioner*

*Josh Liebman, Commissioner*

*Gabriel Edmond, Commissioner*

*Steven Alexander*

*City Manager*

*Maria M. Menendez, CMC*

*City Clerk*

*Thomas F. Pepe, Esq.*

*City Attorney*

### City Commission Meeting

December 1, 2015, 07:00 PM

CITY HALL/COMMISSION CHAMBERS



6130 SUNSET DRIVE

SOUTH MIAMI, FLORIDA

THE CITY OF SOUTH MIAMI 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 WHO MAKES SLANDEROUS OR INTENTIONALLY RUDE, UNCIVIL OR OTHERWISE IMPERTINENT REMARKS, AND WHO REFUSES OR FAILS TO DESIST FROM MAKING SUCH REMARKS AFTER BEING INSTRUCTED TO DO SO, OR WHO SHALL BECOME BOISTEROUS IN THE COMMISSION CHAMBER AND WHO REFUSES OR FAILS TO DESIST FROM SUCH CONDUCT AFTER BEING INSTRUCTED TO DO SO MAY BE FORTHWITH REMOVED FROM THE PODIUM AND FROM CITY HALL FOR THE DURATION OF THAT MEETING AT THE DIRECTION OF THE PRESIDING OFFICER, UNLESS OVERRULED BY A MAJORITY VOTE OF THE COMMISSION. NO CLAPPING, APPLAUDING, HECKLING, OR VERBAL OUTBURSTS SHALL BE PERMITTED FOR ANY REASON, INCLUDING FOR THE PURPOSE OF SUPPORTING OR OPPOSING ANY MATTER, ANY SPEAKER OR A SPEAKER'S REMARKS. NO SIGNS OR PLACARDS SHALL BE ALLOWED TO BE DISPLAYED IN ANY MANNER OTHER THAN WHEN USED FROM THE PODIUM TO EXPRESS AN OPINION OR DISPLAY FACTS. SIGNS TO BE USED AT THE PODIUM MUST BE BROUGHT INTO THE COMMISSION CHAMBERS IN A MANNER SO AS NOT TO UNNECESSARILY DISPLAY THEIR CONTENT UNTIL THE SIGN IS BROUGHT TO THE PODIUM IMMEDIATELY BEFORE THE SIGN IS DISPLAYED FROM THE PODIUM IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY. THE USE OF ACOUSTIC MOBILE COMMUNICATION DEVICE, SUCH AS PHONES, IN THE COMMISSION CHAMBER IS NOT PERMITTED WHILE THE COMMISSION IS IN SESSION. PHONE RINGERS AND OTHER DEVICES THAT EMIT SOUND MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS MUST EXIT THE CHAMBER TO ANSWER INCOMING CALLS. NO CAMERA FLASH OPTIONS SHALL BE USED BY THE PUBLIC DURING ANY PORTION OF THE MEETING EXCEPT DURING RECOGNITION AND AWARD CEREMONIES."

A. SILENCE OR TURN OFF ALL CELL PHONES

B. ADD-ON ITEM(S)

- C. ROLL CALL
- D. MOMENT OF SILENCE
- E. PLEDGE OF ALLEGIANCE
- F. LOBBYIST(S) ADDRESSING THE CITY COMMISSION TONIGHT MUST HAVE BEEN REGISTERED WITH THE CITY CLERK
- G. PRESENTATIONS
  - a) Employees Service Awards
- H. APPROVAL OF MINUTES
  - a) Minutes of November 12, 2015
    -  Ha
  - b) Minutes of November 17, 2015
    -  Hb
- I. CITY MANAGER'S REPORT
- J. CITY ATTORNEY'S REPORT [City Attorney reminder: Remarks are limited to those matters that are not quasi-judicial. Any comment on a quasi-judicial matter may be made when the item is called and the speaker is under oath.]
- K. PUBLIC REMARKS
- L. COMMISSION REPORTS, DISCUSSION & REMARKS
- M. GENERAL ORDER
  - 1. A Resolution of the City of South Miami in support of public land acquisition of the Ludlam Trail corridor from Miller Road to SW 80th Street; and authorizing the City Manager to negotiate with the landowner for the purchase and to discuss with stakeholders. (Deferred 11-12-15) 3/5 (Mayor Stoddard)

N. RESOLUTION(S) PUBLIC HEARING(S)

QUASI-JUDICIAL WARNING: THE FOLLOWING MATTER IS CONSIDERED TO BE QUASI-JUDICIAL AND YOU MAY NOT HAVE ANY VERBAL COMMUNICATION WITH ANYONE UNTIL THE QUASI-JUDICIAL MATTER IS RESOLVED, AND THE MEETING AT WHICH IT IS HEARD IS ADJOURNED. IN ADDITION, THERE ARE OTHER RESTIRCTIONS THAT ARE MORE FULLY SET FORTH AT THE END OF THIS AGENDA.

2. A Resolution approving the construction more than two stories on the Madison Square site for the Madison Square affordable housing project pursuant to Section 20-3.5(D)(1) and other applicable provisions of the City's Land Development Code. 4/5 (City Manager-Planning & Zoning)

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O. ORDINANCE(S) FIRST READING(S)

3. An Ordinance amending Land Development Code Article III, Section 20-5.8 to correct a scrivener's error in Section 20-5.8 referring to the Permitted Use Schedule. 3/5 (Mayor Stoddard)

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4. An Ordinance amending Article IV, "Other Regulations," Section 20-4.4, "Off-street parking requirements," Subsection (B), "Space Requirements," to create new subsection (B)(17), to establish a revised parking requirement for affordable or workforce housing projects. 5/5 (Mayor Stoddard)

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5. An Ordinance amending Article III, "Zoning Regulations, Section 20-3.5, "Dimensional Requirements," and other applicable provisions, to adjust the density caps in the Specialty Retail SR zoning districts for affordable and workforce housing projects north of US 1 and within the Community Redevelopment Area boundaries as they existed on October 14, 2015. 5/5 (Mayor Stoddard)

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P. ORDINANCE(S) SECOND READING(S) PUBLIC HEARING(S)

6. An Ordinance Adopting The City of South Miami 2015 Text Amendments to the Comprehensive Plan Future Land Use And Housing Elements, And Authorizing Transmittal To The Florida Department Of Economic Opportunity and Review

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Q. ORDINANCE(S) FIRST READING(S) PUBLIC HEARING(S)

7. An Ordinance Adopting a Small Scale Amendment to the Future Land Use Map of the Comprehensive Plan, amending the designation of the Sylva Martin Building and a parking lot on the City Hall property located at 6130 Sunset Drive from Parks and Open Space to Transit Oriented Development District (TODD). 5/5 (Mayor Stoddard) END OF GENERAL ORDER

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R. CONSENT AGENDA

8. A Resolution supporting the extension of key provisions of the Federal Earned Income Tax Credit and the Refundable Child Tax Credit. 3/5 (Mayor Stoddard)

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S. RESOLUTION(S)


T. RESOLUTION(S) PUBLIC HEARING(S)

9. A Resolution authorizing the City Manager to execute a notice to proceed with the solar panel program; Goldin Solar, LLC having provided the best prices for installation of solar panels for residents and businesses. 3/5 (City Manager-Planning & Zoning)

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U. ORDINANCE(S) SECOND READING(S) PUBLIC HEARING(S)

10. An Ordinance amending the City of South Miami Land Development Code, Article VIII Transit Oriented Development District, "Definitions," Section 20-8.2, "Definitions," to amend vertical story floor height maximum. 3/5 (Mayor Stoddard)

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11. An Ordinance amending the Official Zoning Map to establish a Historic Preservation Overlay (HP-OV) in the Transit Oriented Development District (TODD-PI) for the Sylva Martin Building located at approximately 6130 Sunset

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12. An Ordinance amending the City of South Miami Land Development Code, Article II, "Definitions," Section 20-2.3, "Definitions," to add definitions for "Variety Retail" and "Retail Outlet - Off-Price Retail," and Article VII, "Hometown District Overlay Ordinance," Section 20-7.12, Permitted Uses," to provide that such uses shall not be permitted in the Hometown District Overlay. 3/5 (Mayor Stoddard)

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V. ORDINANCE(S) FIRST READING(S) PUBLIC HEARING(S)

13. An Ordinance establishing an electric franchise with Florida Power & Light Company for installation of city street lighting within the City of South Miami.4/5 (City Attorney)

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W. ORDINANCE(S) FIRST READING(S)

14. An Ordinance amending Chapter 5, Article 1, of the City of South Miami's Code of Ordinances by adding Section 5-7, "Retail Sale of Cats and Dogs". 3/5 (Vice Mayor Harris)

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X. ADJOURNMENT

QUASI-JUDICIAL WARNING FOR CITY COMMISSION MEMBERS: ANY AGENDA ITEM THAT HAS A QUASI-JUDICIAL WARNING IS CONSIDERED TO BE A QUASI-JUDICIAL MATTER. MEMBERS OF THE CITY COMMISSION MAY NOT HAVE ANY VERBAL COMMUNICATION WITH ANYONE, OTHER THAN AT THE MEETING SCHEDULED TO RESOLVE THE MATTER, UNTIL THE MATTER IS RESOLVED AT A PUBLIC MEETING AND THE MEETING IS ADJOURNED. YOU ARE PROHIBITED FROM MAKING ANY INDEPENDENT INVESTIGATION OF THIS MATTER OTHER THAN A SITE VISIT OR MAKING WRITTEN REQUESTS FOR INFORMATION FROM CITY EMPLOYEES AND RECEIVING WRITTEN RESPONSES FROM THEM IN THEIR OFFICIAL CAPACITY. ALL WRITTEN REQUESTS FOR INFORMATION AND RESPONSES THERETO MUST BE FILED WITH THE CLERK AND A COPY MUST ALSO BE SENT TO THE PLANNING AND ZONING DIRECTOR IF THE MATTER INVOLVES A LAND RELATED ISSUE. YOU MAY NOT HAVE ANY VERBAL COMMUNICATION WITH CITY EMPLOYEES REGARDING THIS MATTER. YOU MAY NOT ENTER ONTO SOMEONE'S PROPERTY WITHOUT THEIR PERMISSION. FURTHERMORE, YOU MAY NOT DISCUSS THE MATTER WITH THE PROPERTY OWNER OR ANYONE ELSE,

INCLUDING NEIGHBORS. YOU MUST, IN WRITING, ADVISE THE CLERK OF THE DATE AND TIME OF YOUR SITE VISIT AND, IF THIS MATTER INVOLVES LAND USE, YOU MUST ALSO SEND A COPY TO THE PLANNING AND ZONING DIRECTOR. ALL INFORMATION THAT YOU OBTAIN ON THIS MATTER, OTHER THAN YOUR PERSONAL OBSERVATIONS AT A SITE VISIT AND WRITTEN INFORMATION PROVIDED BY STAFF, MUST BE PRESENTED TO YOU AT THE DULY NOTICED PUBLIC MEETING DURING WHICH THE APPLICANT SHALL BE GIVEN AN OPPORTUNITY TO PRESENT THE APPLICATION AND ANY EVIDENCE IN SUPPORT OF THE APPLICATION. IF THERE IS A BREAK IN THE MEETING, YOU MAY NOT ALLOW OTHERS TO SPEAK TO YOU ABOUT THE MATTER OR ALLOW THEM TO PROVIDE YOU WITH ANY INFORMATION ABOUT THE MATTER. IF THE MATTER REQUIRES MORE THAN ONE HEARING, YOU MAY NOT DISCUSS THE MATTER WITH ANYONE, UNTIL THE MATTER IS RESOLVED BY A FINAL WRITTEN RESOLUTION OR, IF APPLICABLE, ORDINANCE, AND, EVEN THEN, NOT UNTIL THE MEETING IS ADJOURNED. IF YOU RECEIVE AN EMAIL OR ANY WRITTEN OR PRINTED INFORMATION ABOUT THE MATTER BEFORE THE ADJOURNMENT OF THE HEARING AT WHICH A FINAL DECISION IS MADE FROM ANYONE OTHER THAN CITY EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITY, YOU MAY READ IT BUT YOU ARE NOT ALLOWED TO RESPOND TO IT AND YOU ARE REQUIRED TO IMMEDIATELY PROVIDE A COPY OF ANY WRITTEN COMMUNICATION OR DOCUMENT YOU RECEIVE CONCERNING THIS MATTER TO THE CITY CLERK, AND A COPY MUST ALSO BE SENT TO THE PLANNING AND ZONING DIRECTOR IF THE MATTER INVOLVES A LAND RELATED ISSUE. IN ADDITION, IF YOU RECEIVE ANY VERBAL, OR WRITTEN COMMUNICATION (OTHER THAN WHAT HAS ALREADY BEEN DELIVERED TO THE CLERK AND THE PLANNING AND ZONING DIRECTOR) YOU ARE REQUIRED TO DISCLOSE IT AT THE PUBLIC MEETING AND, IF IT WAS VERBAL, YOU ARE REQUIRED TO WRITE A MEMORANDUM THAT INCLUDES THE INFORMATION RECEIVED AND THE NAME AND ADDRESS OF THE PERSON PROVIDING THE INFORMATION, AS WELL AS THE DATE, TIME AND PLACE WHERE THE COMMUNICATION TOOK PLACE. THIS DOCUMENT MUST BE DELIVERED AS SOON THEREAFTER AS POSSIBLE TO THE CITY CLERK, AND IF APPLICABLE TO A LAND RELATED ISSUE, A COPY MUST ALSO BE DELIVERED TO THE PLANNING AND ZONING DIRECTOR.

WARNING REGARDING EX PARTE COMMUNICATIONS: "EX PARTE COMMUNICATIONS" ARE WRITTEN OR VERBAL EXCHANGES BETWEEN AN ELECTED OR APPOINTED PUBLIC OFFICIAL, AND AN APPLICANT, HIS OR HER REPRESENTATIVES, OR A CITIZEN OR OTHER THIRD-PARTY OUTSIDE OF THE PUBLIC QUASI-JUDICIAL HEARING WHICH IS THE SUBJECT OF THE EXCHANGE. THE FLORIDA LEGISLATURE BY THE ADOPTION OF SECTION 286.0115(1), FLORIDA STATUTES, HAS AUTHORIZED THE ADOPTION OF LOCAL ORDINANCES ALLOWING EX PARTE COMMUNICATIONS IF CERTAIN PROCEDURES ARE FOLLOWED TO ENSURE THAT THE WRITTEN OR VERBAL EXCHANGE IS MADE PUBLIC, WHICH IS DESIGNED TO REMOVE ANY PRESUMPTION OF PREJUDICE THAT WOULD OTHERWISE RESULT IF THE EXCHANGE WERE KEPT PRIVATE AND NOT DISCLOSED. EX PARTE COMMUNICATIONS MUST BE PUBLICLY DISCLOSED PRIOR TO OR AT THE QUASI-JUDICIAL HEARING AT WHICH THE DECISION IS TO BE MADE. ALL DECISIONS MADE AT A QUASI-JUDICIAL HEARING MUST BE BASED ON COMPETENT SUBSTANTIAL EVIDENCE. VERBAL EX PARTE COMMUNICATIONS ARE HEARSAY, ARE NOT COMPETENT EVIDENCE, AND MAY NOT FORM THE SOLE



BASIS FOR MAKING ANY QUASI-JUDICIAL DECISIONS, BUT THEY MAY BE USED TO SUPPORT OR EXPLAIN OTHER COMPETENT EVIDENCE. PURSUANT TO ORDINANCE §2-2.1, CITY CODE, THE SOUTH MIAMI CITY COMMISSION HAS ADOPTED THESE PROCEDURES TO ALLOW THE USE OF EX-PARTE COMMUNICATIONS AS FOLLOWS: 1. THE ELECTED OR APPOINTED PUBLIC OFFICIAL SHALL DISCLOSE IN WRITING THE SUBJECT OF THE COMMUNICATION AND THE IDENTITY OF THE PERSON, GROUP, OR ENTITY WITH WHOM THE COMMUNICATION TOOK PLACE, AS SOON AS PRACTICABLE AFTER THE COMMUNICATION TAKES PLACE, WITH THE CITY CLERK AND MADE A PART OF THE RECORD AT THE HEARING BEFORE FINAL ACTION ON THE MATTER. 2. A LOCAL PUBLIC OFFICIAL MAY READ A WRITTEN COMMUNICATION FROM ANY PERSON. ANY WRITTEN COMMUNICATION THAT RELATES TO QUASI-JUDICIAL ACTION PENDING BEFORE A LOCAL PUBLIC OFFICIAL, SHALL NOT BE PRESUMED PREJUDICIAL TO THE ACTION, PROVIDED SUCH WRITTEN COMMUNICATION IS DISCLOSED AND MADE A PART OF THE RECORD BEFORE FINAL ACTION ON THE MATTER. 3. A LOCAL PUBLIC OFFICIAL MAY CONDUCT INVESTIGATIONS, MAKE SITE VISITS AND RECEIVE EXPERT OPINIONS REGARDING QUASI-JUDICIAL ACTION PENDING OR IMPENDING BEFORE HIM OR HER PROVIDED THAT SUCH ACTIVITIES AND THE EXISTENCE OF SUCH INVESTIGATIONS, SITE VISITS OR EXPERT OPINIONS IS MADE A PART OF THE RECORD BEFORE FINAL ACTION IS TAKEN ON THE MATTER. 4. DISCLOSURE MADE PURSUANT TO PARAGRAPHS 1, 2 AND 3 ABOVE MUST BE MADE BEFORE OR DURING THE PUBLIC MEETING AT WHICH A VOTE IS TAKEN ON SUCH MATTERS SO THAT PERSONS WHO HAVE OPINIONS CONTRARY TO THOSE EXPRESSED IN THE EX PARTE COMMUNICATION ARE GIVEN A REASONABLE OPPORTUNITY TO REFUTE OR RESPOND TO THE COMMUNICATION.

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PURSUANT TO FLORIDA STATUTE 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.

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."