



CITY OF SOUTH MIAMI

CITY COMMISSION MEETING AGENDA

Tuesday, November 7, 2023, 7:00 PM
CITY HALL/COMMISSION CHAMBERS
6130 SUNSET DRIVE
SOUTH MIAMI, FL 33143

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."

VIRTUAL PARTICIPATION - *Members of the public may also join the meeting via Zoom at (<https://zoom.us/j/3056636338>) and participate. In addition, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom, may listen to and participate in the meeting by dialing +1-786-635-1003 Meeting ID: 3056636338. The public may merely view the meeting live on the City's website: (<https://www.southmiamifl.gov/102/Agendas-Minutes>) ("Granicus") as well as Channel 667 on Atlantic Broadband or by AT&T U-Verse.*

- A. SILENCE OR TURN OFF ALL CELL PHONES**
- B. ROLL CALL**
- C. PRAYER/MOMENT OF SILENCE**
- D. PLEDGE OF ALLEGIANCE**
- E. PRESENTATIONS**

- E1. Employees of the Quarter for Q4 - Elaine Alvarez, Accounts Payable Technician & Miguel Vega, Maintenance Worker II
- E2. Jean Marie, Recycling Manager - Miami-Dade County Solid Waste Department
- E3. Proclamation - Alzheimer's & Caregiver Awareness Month
- E4. City Clerk - 1) Lobbyist Registration, and 2) Form 6 Requirements

F. ADD-ON ITEM(S)

G. LOBBYIST(S) ADDRESSING THE CITY COMMISSION TONIGHT MUST HAVE BEEN REGISTERED WITH THE CITY CLERK

H. APPROVAL OF MINUTES

- Ha. 09.05.23 Special Meeting,
09.16.23 Special Meeting,
10.16.23 Special Meeting, &
10.17.23

I. CITY MANAGER'S REPORT

- Ia. City Manager's Report
[CM_Memo_City Manager's Report Nov 7 2023.docx](#)

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 - (25 minutes)

M. DISCUSSION ITEMS

- Ma. City Clerk - Potential Ballot Questions: 1) Vice Mayor Appointment, 2) Run-off Elections, and 3) Filling vacancies
[Resolution Ballot Question Vice-Mayor Appt 2024.docx](#)
[Resolution Ballot Question City Clerk Run off elections-2024.docx](#)
[Resolution Ballot Question City Clerk filling vacancies 2024.docx](#)

N. BOARDS AND COMMITTEES, APPOINTMENTS, ETC.

- Na. Environmental Review & Preservation Board (ERPB) - Mariano Corral has been recommended by Commissioner Calle to be re-appointed as landscape architect to serve at-large on the Environmental Review & Preservation Board (ERPB) and extending his term limits, as per City Charter Art. II, Sec. 8 A, for a two-year term ending September 3, 2025, or until a successor is appointed, whichever occurs first. (Needs a majority Commission vote)
[Mariano Corral.pdf](#)

O. CONSENT AGENDA

1. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND AUTHORIZING A PAYMENT TO THE MIAMI DADE COUNTY ASSOCIATION OF CHIEFS OF POLICE FOR PARTICIPATION IN THE COUNTY COURT STAND-BY PROGRAM FOR FISCAL YEAR 2023-2024; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-POLICE DEPT.)
[MDACP_Stand_by_Memo \(1\).docx](#)
[47L2942-Reso_County_Courty_Stand_By_Program__CAv2 \(1\).DOCX](#)
[County Court Standby Program Background info.pdf](#)
[Exhibit A -MDCACP 2023-24 Invoice.pdf](#)
2. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE PURCHASE OF A MESSAGE BOARD TRAILER TOGETHER WITH TRAFFIC DATA AND LICENSE PLATE READER (LPR) TECHNOLOGY FROM MILLENIUM PRODUCTS INC. UTILIZING THE TERMS AND CONDITIONS OF GSA CONTRACT NO. GS-07F-5791R IN AN AMOUNT NOT TO EXCEED \$59,466.70; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER OR ENTER INTO AN AGREEMENT RELATING TO THE SAME; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-POLICE DEPARTMENT)
[FY_2024_LPR_Message_Trailer_Purchase_Memo__1_.docx](#)
[47L3294-Resolution_Approving_Purchase_of_Message_Board_Trailer_and_LPR_Technology_from_Millenium_Products \(1\).doc](#)
[Exhibit A - Ouote Q-09636 South Miami PD \(FL\) - LPR Message Board.pdf](#)
[GSA Co Op Program.docx](#)
[1_SOLICITATION DOCUMENT FOR 47QSMD20R0001 Refresh 17.pdf](#)
[Contract Award Schedule.PDF](#)
[PRCE LIST GS07F0031W M0109 10-6-23_Complete.pdf](#)
3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE PURCHASE AND INSTALLATION OF SPORTS LED LIGHTING FROM MUSCO SPORTS LIGHTING, LLC FOR MURRAY PARK, USING THE CLAY COUNTY CONTRACT COMPETITELY AWARDED PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 18/19-2; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE PURCHASE AND INSTALLATION OF THE LIGHTING IN AN AMOUNT NOT TO EXCEED \$165,000; PROVIDING FOR AUTHORIZATION TO EXPEND FUNDS; PROVIDING FOR IMPLEMENTATION; CORRECTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS & RECREATION DEPT.)

[Memo-Sports_Field_Lighting__4_\(1\).docx](#)
[Resolution_Re_Murray_Park_Lighting_-_CAv3-2.docx](#)
[Exhibit A-Proposal.pdf](#)
[Murray Park Relight Design.pdf](#)
[Clay County Bid Sheet 11-14-18.pdf](#)
[1st Renewal Backup piggyback.pdf](#)
[Clay County Contract Minutes_2023_5_23_Meeting\(1227\) - 2nd & Final Renewal.pdf](#)
[Notice of Intent RFP 1819-2.pdf](#)
[1819-2 Equip & Amenities Parks & Playgrounds.pdf](#)

4. A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICE WORK ORDER TO SRS ENGINEERING, INC., FOR THE DESIGN REVISIONS, BIDS AND POST DESIGN SERVICES TO INCORPORATE NEW LANDSCAPE AROUND THE PROPOSED PUMP STATION AND DESIGN EIGHT (8) NEW LATERALS AS REQUIRED DURING THE PERMITTING REVIEW BY MIAMI-DADE WATER AND SEWER DEPARTMENT FOR PHASE 1 OF THE SANITARY SEWER IMPROVEMENTS FOR THE AREA KNOWN AS SUBAREA "K" IN AN AMOUNT NOT TO EXCEED \$13,901. 3/5 (CITY MANAGER-PUBLIC WORKS & ENGINEERING DEPT.)
[Memo-Adtl_Scope-Ph.1_of_Sub-areaK-10-20-23F \(1\).docx](#)
[Reso_Addtl_Scope_Ph.I_sub_K-10-20-23F.docx](#)
[Res No 082-23-16015.pdf](#)
[Res No 056-22-15809.pdf](#)
[SUBARE~1.PDF](#)
[47L5891-Project Work Order - Additional Services to SRS Sewer Subarea K CAv1.DOCX](#)

5. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, URGING THE FLORIDA LEGISLATURE TO INCREASE AND DEDICATE FUNDING FOR THE BISCAYNE BAY WATER QUALITY IMPROVEMENT GRANT PROGRAM; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)
[Memo - Resolution Urging Fl. Legislature to Increase and Dedicate Funding for Biscayne Bay Water Quality Grants.DOCX](#)
[Resolution Urging Florida Legislature to Fund Biscayne Bay Water Quality Improvement Grant Program.DOC](#)

P. RESOLUTION(S)

6. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND AUTHORIZING AN EXTENSION AGREEMENT FOR CURBSIDE RECYCLING PROGRAM SERVICES WITH MIAMI-DADE COUNTY DEPARTMENT OF SOLID WASTE MANAGEMENT (DSWM) FOR THE PURCHASE OF CURBSIDE RECYCLING SERVICES IN AN AMOUNT NOT TO EXCEED \$240,000 FOR FISCAL YEAR 2023-2024; AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS FOR THE PAYMENT OF THE SERVICES; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS DEPT.)
[Memo-Curbside_Recycling_23-24 \(1\).docx](#)
[47L288102-Resolution_Approving_Purchase_of_Curbside_Recycling_Services_CAv2.docx](#)
[City of South Miami.pdf](#)

7. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING MIAMI RECOVERY PROJECT INC. FOR UNHOUSED OUTREACH SUPPORT PROGRAM SERVICES FOR THE FISCAL YEAR 2023-2024 IN AN AMOUNT NOT TO EXCEED \$28,920; AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR SUCH SERVICES; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[Memo Unhoused outreach.docx](#)
[47L2856-Reso_Selecting_Miami_Recovery_Project_-_Unhoused_Outreach_Support_Program_CAv1 \(1\).docx](#)
[Exhibit A- CityofSouthMiamiProposal \(2\) \(002\).docx](#)
[Exhibit B- PSA Miami Recovery Project - Unhoused Outreach Program Services CAv1.docx](#)
8. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND ADOPTING A SPECIAL EVENTS FEE WAIVER POLICY TO ADDRESS REQUESTS TO WAIVE SPECIAL EVENT FEES PURSUANT TO SECTION 15B-6(11) OF THE CITY CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; IMPLEMENTATION; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE. 3/5 (VICE MAYOR BONICH)
[Memo-Special_Events_Fee_Waiver_Policy__qp__4_.docx](#)
[Resolution-Special_Events_Fee_Waiver_Policy_-_CAv2.docx](#)
[Exhibit_A-Special_Events_Fee_Waiver_Policy-2.docx](#)
[Sec. 15B-6 Use of city property for organized activity.pdf](#)
[Municipality Fee Waiver Study.docx](#)
[FY18-FY23 Fee Waiver Data.pdf](#)
[Direct Service Fees Waived Study.pdf](#)
[Estimated Investment in City Sponsored Events.pdf](#)
9. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, COMMEMORATING 20 YEARS SINCE THE INCEPTION OF THE LUDLAM TRAIL NON-MOTORIZED CORRIDOR PROJECT, AS SPEARHEADED BY FORMER MAYOR JULIO ROBAINA, AND CONTINUING SUPPORT FOR THE PROJECT; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, TRANSMITTAL, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (COMMISSIONER COREY)
[Memo - Resolution Ludlam Trail Project.docx](#)
[Reso_Commemorating_20_Years_Ludlam_Trail_CAv1.docx](#)
[Ludlam Trail Non-Motorized Corridor Study Phase1 Final 2003-03.pdf](#)
10. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND ADOPTING AN AMENDED SCHEDULE OF FEES AND FINES TO MODIFY CERTAIN FEES IN THE PARKING RATES AND FEES FOR THE SOUTH MIAMI PARKING GARAGE; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE. 3/5 (COMMISSIONER LIEBMAN)
[CA Memo Re Parking Garage Rate Adjustment.docx](#)
[47L5732-Reso_Amending_Parking_Rates_SM_Parking_Garage_CAv2.DOCX](#)

Q. RESOLUTION(S) PUBLIC HEARING(S)

11. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI,

FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A MULTI-YEAR AGREEMENT WITH SWITCH TECH INTERNATIONAL, INC. D/B/A TELESWITCH FOR VOICE OVER INTERNET PROTOCOL (VOIP) PHONE SERVICES; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[CM_Memo_Mitel_Phone_Support__1_.docx](#)
[47L5885-Resolution Authorizing Agreement with Switch Tech International for VOIP Phone Services.DOCX](#)
[Composite Exhibit A - Support Renewal Agreement S Miami.pdf](#)
[Sun Biz Switch Tech.pdf](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)

12. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A MULTI-YEAR AGREEMENT WITH CIVICPLUS LLC FOR WEBSITE DESIGN, SUPPORT, MAINTENANCE, AND HOSTING SERVICES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[CM_Memo_CivicPlus_Web_Hosting_Sole_Source__1_.docx](#)
[47L5941-Resolution Authorizing Agreement with CivicPlus for Website Design Support Maintenance and Hosting Services.DOCX](#)
[Exhibit A - CivicPlus Master Services Agreement March 2023.pdf](#)
[Exhibit B - South Miami CivicPlus Renewal.pdf](#)
[Reso 028-18-15060.pdf](#)
[v2Sun Biz CivicPlus.pdf](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)
13. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A DEVELOPMENT AGREEMENT WITH ANCHOR MIAMI IRF OWNER, LLC, AND SOUTH MIAMI HOSPITAL, INC., FOR THE PROPERTY LOCATED AT 6233 SUNSET DRIVE, 6201 SUNSET DRIVE, AND 7150 SW 62 AVENUE, SOUTH MIAMI, FLORIDA, PURSUANT TO SECTION 20-8.9 OF THE LAND DEVELOPMENT CODE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT; PROVIDING FOR CORRECTIONS, IMPLEMENTATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PLANNING DEPT.)
[Memo_Hosp._Dev._Agmt..docx](#)
[Resolution Approving New Development Agreement for South Miami Hospital Rehabilitation.docx](#)
[Development Agreement - Baptist Health Rehabilitation Hospital - Folio Nos. 09-4025-000-0610,-0680,-0650 - SW 72 ST & SW 62 AVE - 10-12-23 changes.docx](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)
14. PROPOSED CITY OF SOUTH MIAMI CHARTER AMENDMENT(S) TO ADDRESS MAXIMUM LEASE TERM ALLOWED IN CHARTER UNDER SECTION 4 "FRANCHISE" OF ARTICLE VI "GENERAL PROVISIONS" OF THE CITY CHARTER. 3/5 (CITY ATTORNEY)

[Memo - Resolution Options Relating To Section 4 Franchise of Article VI of City Charter.DOCX](#)

[Option 1: Resolution Calling Special Election Charter Amendment Excluding Leases from Franchise Limitations v1.DOCX](#)

[Option 2: Resolution Calling Special Election Charter 100 Year Franchise Term Limitation.DOCX](#)

[Option 3: Resolution Calling Special Election Charter Amendment Increasing City Property Lease Term Limit to 100 Years.DOCX](#)

[MDBR Ad.pdf](#)

[MH Ad.pdf](#)

15. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD ON MARCH 19, 2024, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A PROPOSED AMENDMENT TO SUBSECTION H OF SECTION 5 "POWERS AND DUTIES" OF ARTICLE III "CITY MANAGER" OF THE CITY CHARTER, AS PRESENTED IN A BALLOT QUESTION TO ALLOW THE COMMISSION TO SET PURCHASING LIMITATIONS BY ORDINANCE FOR CITY PURCHASES OF GOODS AND SERVICES; PROVIDING FOR REQUISITE BALLOT LANGUAGE AND CHARTER AMENDMENT TEXT FOR SUBMISSION TO THE ELECTORATE; PROVIDING FOR THE CITY CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS FOR THE SPECIAL ELECTION; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[Memo-Budget_Special_Election_Charter_Amendment_-_Purchasing_Limitation \(1\).docx](#)
[47L282104-Resolution_Calling_Special_Election_-_Charter_Amendment_-_Purchasing_Limitations_CAv5.docx](#)
[B&F Recom FY 23-24 FINAL.pdf](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)

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

16. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO CONVEY A 2020 FORD SUV VEHICLE TO OFFICER RODNEY NAPIER; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[Memo-_Napier_Vehicle_Conveyance \(1\).docx](#)
[Ordinance_Conveying_Police_Vehicle_to_Officer_Rodney_Napier_-_CAv2 - SR 11-2-23.docx](#)
[NAPIER REV SOUTH MIAMI 2023.pdf](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)
17. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 15-65, "CAMPING PROHIBITED; EXCEPTIONS," OF CHAPTER 15, "OFFENSES AND MISCELLANEOUS PROVISIONS," OF THE CITY CODE OF ORDINANCES TO PROHIBIT OVERNIGHT CAMPING ON PUBLIC PROPERTY AND PROVIDE FOR ENFORCEMENT PROCEDURES AND PENALTIES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS;

IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (COMMISSIONER COREY)
[4766826-Memo_-_Ordinance_Re_Camping \(1\).docx](#)
[47L8642-Ordinance Camping Prohibition Enforcement and Penalties - Second Reading v3.docx](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)

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

18. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ORDINANCE NO. 24-22-2445 ADOPTING THE FISCAL YEAR 2022-2023 BUDGET BY AMENDING THE FISCAL YEAR 2022-2023 CAPITAL AND OPERATING BUDGET AND ALLOCATING AN INCREASE OF \$165,196.47 TO NON-DEPARTMENTAL ACCOUNT 001.2100.519.2250 FOR THE SOUTH MIAMI POLICE OFFICERS RETIREMENT TRUST FUND PREMIUM DISTRIBUTION; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-FINANCE DEPT.)
[FY2023_Memo_-_Ordinance_Non-Dept_increase_for_185 \(4\).docx](#)
[47L3091-Ordinance Amending FY 2022 23 Budget - Police Retirement Trsut Fund Premium Distribution CA v2.DOCX](#)
[Acknowlegment Letter for 2022 Premium Tax Distribution.pdf](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)
19. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A FRANCHISE AGREEMENT WITH REDSPEED FLORIDA, LLC FOR THE INSTALLATION AND OPERATION OF SPEED DETECTION SYSTEMS FOR ENFORCEMENT OF SPEED LIMIT VIOLATIONS OCCURRING IN ELIGIBLE SCHOOL ZONES AND RELATED TRAFFIC REPORT SERVICES AT NO COST TO THE CITY, CONTINGENT UPON FULL COMPLIANCE BY THE CITY AND REDSPEED FLORIDA, LLC WITH ALL THE REQUIREMENTS OF CHAPTER 2023-174 OF THE LAWS OF FLORIDA; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FRANCHISE AGREEMENT WITH REDSPEED FLORIDA LLC FOR THE SERVICES; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER)
[CM_Memo_School_Zone_Enforcement_v2__1_.docx](#)
[47L0237-Ordinance Approving Agreement with Redspeed for Speed Detection Systems.docx](#)
[Exhibit A - Franchise Agreement for Speed Detection System School Zone Enforcement Services.DOCX](#)
[Exhibit B - Proposal RedSpeed Program Overview-City of South Miami.pdf](#)
[HB657 Summary.pdf](#)
[School Zone Speed Enforcement Program Matrix 10.19.23.pdf](#)
[Sun Biz Red Speed Florida LLC.pdf](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)
20. QUASI-JUDICIAL WARNING:
THE FOLLOWING MATTER IS CONSIDERED TO BE QUASI-JUDICIAL. PLEASE REVIEW THE RESTRICTIONS THAT ARE MORE FULLY SET FORTH AT THE END OF THIS AGENDA.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE ZONING MAP OF THE CITY OF SOUTH MIAMI, TO CHANGE THE ZONING DISTRICT APPLICABLE TO THE PROPERTY LOCATED AT 5795 SUNSET DRIVE, FROM “SPECIALTY RETAIL (SR)” WITH HOMETOWN DISTRICT OVERLAY DESIGNATION TO “DOWNTOWN SOMI (DS)” ZONING DISTRICT WITH NO HOMETOWN DISTRICT OVERLAY DESIGNATION, BASED ON AN APPLICATION SUBMITTED BY MIDTOWN DEVELOPMENT, LLC; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PLANNING DEPT.)

[CC_5795_Sunset_Dr._FLUM___Rezoning_Staff_Report_10232023_-reviewedMA__2_\(1\).docx](#)

[Ordinance_-_5795_Sunset_Drive_Rezoning.docx](#)

[Exhibit A to Rezoning.docx](#)

[Survey Sheet 1 of 3 \(Certified\).pdf](#)

[Survey Sheet 2 of 3 \(Certified\).pdf](#)

[Survey Sheet 3 of 3 \(Certified\).pdf](#)

[Siteplan Sheet \(Certified\).pdf](#)

[MDBR Ad 5795 Sunset Drive.pdf](#)

[MH Ad 5795 Sunset Dr.pdf](#)

21. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY OF SOUTH MIAMI COMPREHENSIVE PLAN, TO CHANGE THE DESIGNATION OF THE PROPERTY LOCATED AT 5795 SUNSET DRIVE, FROM “MIXED-USE COMMERCIAL RESIDENTIAL (MUCR4)” TO “DOWNTOWN SOMI (DS)” FUTURE LAND USE CATEGORY BASED ON AN APPLICATION SUBMITTED BY MIDTOWN DEVELOPMENT, LLC; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PLANNING DEPT.)

[CC_5795_Sunset_Dr._FLUM___Rezoning_Staff_Report_10232023_-reviewedMA \(3\).docx](#)

[Ordinance_-_5795_Sunset_Drive_FLUM.docx](#)

[Exhibit A to FLUM Amendment.docx](#)

[PB-23-019 & PB-23-020 Application Documents.pdf](#)

[Survey Sheet 1 of 3 \(Certified\).pdf](#)

[Survey Sheet 2 of 3 \(Certified\).pdf](#)

[Survey Sheet 3 of 3 \(Certified\).pdf](#)

[Siteplan Sheet \(Certified\).pdf](#)

[MDBR Ad 5795 Sunset Drive.pdf](#)

[MH Ad 5795 Sunset Dr.pdf](#)

T. ORDINANCE(S) FIRST READING(S)

22. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE III “ZONING REGULATIONS”, SECTION 20-3.6(I) OF THE LAND DEVELOPMENT CODE, ADDRESSING PERMISSIBLE HEIGHT OF AN ACCESSORY STRUCTURE; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PLANNING DEPT.)

[CC_Accessory_Structure_Staff_Report_10232023 \(1\).docx](#)

[Ordinance_-_Article_3_-_Accessory_Structure_Height.docx](#)
[PB-23-021 Documents.pdf](#)

23. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE VI “ADMINISTRATION AND ENFORCEMENT”, SECTIONS 20-6.1 “ADMINISTRATIVE ENTITIES” AND 20-6.2 “APPEALS AND REVIEW” OF THE LAND DEVELOPMENT CODE, TO PROVIDE FOR CITY COMMISSION REVIEW OF APPEALS OF ADMINISTRATIVE DECISIONS IN CONNECTION WITH ENFORCEMENT OF LAND DEVELOPMENT REGULATIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PLANNING DEPT.)
[CC_Appeals_and_Review_Staff_Report_10232023 \(1\).docx](#)
[Ordinance_-_Article_6_-_Planning_and_Zoning_Determination.docx](#)

U. ADJOURNMENT

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.”

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.

IT IS POSSIBLE THAT IF THE STATUTE OR ORDINANCE DISCUSSED ABOVE, OR A QUASI-JUDICIAL ACTION PENDING BEFORE THE COMMISSION OR BOARD ARE CHALLENGED, THAT A COURT MIGHT FIND THAT NEITHER THE LEGISLATURE NOR THE CITY COMMISSION HAD AUTHORITY TO ENACT THESE PROCEDURES CONCERNING EX PARTE COMMUNICATIONS, WHICH COULD RESULT IN THE ACTION TAKEN BEING REVERSED. YOU THUS PROCEED AT YOUR OWN RISK IN ENGAGING IN SUCH COMMUNICATIONS, AND THEY ARE NOT ENCOURAGED. THEY ARE, HOWEVER, THE POLICY OF THE LEGISLATURE AND CITY COMMISSION, AND UNTIL DETERMINED OTHERWISE BY THE LEGISLATURE OR THE COURTS, ARE LEGALLY PERMITTED BUT NOT WITHOUT POSSIBLE ADVERSE LEGAL CONSEQUENCES TO THE DETRIMENT OF THE CITY AND OTHER PARTIES.