



CITY OF SOUTH MIAMI

CITY COMMISSION MEETING AGENDA

Tuesday, December 5, 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**

- Ea. Proposals for Development Interest of City of South Miami's Lot B Parking Lot
 - 1) ROVR/Related Group
 - 2) Roger Development Group - Mr. Simon Ferro

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. 11.21.23
[11.21.23 \(2\).docx](#)

I. CITY MANAGER'S REPORT

- la. City Manager's Report
[CM_Memo_City Manager's Report Dec 5 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.]*

- Ja. Discussion on enforcement action for the property located at 5660 SW 58 Place

K. PUBLIC REMARKS

L. COMMISSION REPORTS, DISCUSSION & REMARKS - (25 minutes)

M. BOARDS AND COMMITTEES, APPOINTMENTS, ETC.

N. CONSENT AGENDA

1. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AN AGREEMENT WITH COMPUQUIP TECHNOLOGIES, LLC FOR CHECK POINT FIREWALL MAINTENANCE AND SUPPORT SERVICES UTILIZING THE TERMS AND CONDITIONS OF THE MARYLAND DEPARTMENT OF INFORMATION TECHNOLOGY REQUEST FOR PROPOSALS (RFP) NO. 060B2490022; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT RELATING TO THE SAME IN AN AMOUNT NOT TO EXCEED \$48,524.64; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-FINANCE DEPT.)
[CM_Memo_Check_Point_Maintenance___Support_Renewal_11.9.23.docx](#)
[47Q939002-Resolution_Approving_Agreement_with_Compuquip_-_Check_Point_Firewall_Maintenance_and_Support_Services.docx](#)

[Exhibit A - Cover Agreement - Compuquip - Firewall System Support and Maintenance.DOCX](#)
[Exhibit B - Quote 2023_11_09 City of South Miami - CP Renewal-Rev3.pdf](#)
[RFP Maryland Hardware2012RFP.pdf](#)
[State of Maryland Contract Summary 060B2490022.pdf](#)
[BPW Agenda Item 4_IT.pdf](#)
[2016_06_21 Compuquip Tech Contract.pdf](#)
[MasterContractors.xls.pdf](#)
[ATTACHMENT C - Contract Affidavit - 6.21.16 - signed.pdf](#)
[Award letter - Compuquip Technologies\[4\].doc](#)

2. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MCCI, LLC FOR THE PURCHASE OF DOCUMENTS AND RECORDS MANAGEMENT SUBSCRIPTION AND SUPPORT SERVICES UTILIZING THE TERMS AND CONDITIONS OF THE NATIONAL COOPERATIVE PURCHASING ALLIANCE CONTRACT NO. 01-162 FOR AN AMOUNT NOT TO EXCEED \$11,849.25 IN THE FIRST YEAR; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY CLERK)

[v2CM_Memo_Laserfiche_Digitizing_Support.docx](#)
[47R235504-Resolution Approving MCCi Laserfiche Documents and Records Management - Annual Subscription Quote - CAv2.DOCX](#)
[Exhibit A - Quotation City of South Miami - 29555 - SupportOrder \(FINAL\).pdf](#)
[Summary Documents & Records Mangement .pdf](#)
[MCCi_Award_Letter.pdf](#)
[MCCi_Contract & Response.pdf](#)
[Sun Biz MCCI LLC.pdf](#)

3. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING AND AWARDING A CONSTRUCTION CONTRACT TO FAST-DRY COURTS, INC. FOR TENNIS CLAY COURT RESURFACE IMPROVEMENTS AT DANTE FASCELL PARK IN AN AMOUNT NOT TO EXCEED \$84,470; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT FOR THE PROJECT; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS & RECREATION DEPT.)

[Memo-South Tennis Clay Court Resurface \(QP\).docx](#)
[47R2179-Resolution Selecting Fast-Dry Courts for Tennis Court Resurfacing at Dante Fascelli - CAv2.DOCX](#)
[Contract for Construction - Fast-Dry Courts - Tennis Clay Court Resurface Improvements. FINAL ITB Tennis Court Resurface Improvements 10.6.2023.pdf](#)
[Exhibit A-Fast Dry Courts Bidding Docs..pdf](#)
[Demand Star ITB PR2023-15 11.3.23.pdf](#)
[RFP Advertisement.pdf](#)
[Sun Biz Fast Dry Courts.pdf](#)

4. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF A POLICE ACCREDITATION SOFTWARE SUBSCRIPTION FROM POWERDMS, INC. D/B/A NEOGOV IN AN AMOUNT NOT TO EXCEED \$5,582.57 FOR 2024; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND

AN EFFECTIVE DATE. 3/5 (CITY MANAGER-POLICE DEPT.)

[FY_2024_PowerDMS-NEOGOV_Payment_Authorization__1_.docx](#)

[Resolution Approving and Authorizing Purchase Of Police Accreditation Software Subscription - Sole Source.DOCX](#)

[Exhibit A - Invoice NEOGOV PowerDMS.pdf](#)

[Exhibit B-South Miami PD 2019 Agreement.pdf](#)

[Exhibit C- Sole Source Letter NEOGOV.pdf](#)

5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING AND AWARDING A CONTRACT FOR CONSTRUCTION TO HOMESTEAD CONCRETE AND DRAINAGE, INC. FOR THE CONSTRUCTION OF ADA PICNIC SHELTERS AND IMPROVEMENTS AT SOUTH MIAMI PARK IN THE AMOUNT OF \$494,761; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT RELATING TO THE PROJECT; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS & RECREATION DEPT.)

[Memo-ADA_Picnic_Shelters___Improvements__Q_\(2\).docx](#)

[Resolution_Selecting_Homestead_Concrete_and_Drainage_for_South_Miami_Park_ADA_Picnic_Shelter_Improvements_-_CAv2.docx](#)

[47Q8469-Exhibit A to Resolution -- Contract for Construction - South Miami Park - ADA Picnic Shelters Project.DOCX](#)

[47Q8498-ARPA Addendum to Agreement - Contract for Construction - South Miami Park - ADA Picnic Shelters.DOCX](#)

[Exhibit A to Agreement -](#)

[FINAL_ITB_ADA_Picnic_Shelters_at_South_Miami_Park_10.12.23.pdf](#)

[Exhibit_B to Agreement - Homestead_Concrete___Drainage_Bidding_Docs.pdf](#)

[Contract Plans.pdf](#)

[Bid Tabulation ITB PR2023-16 11.8.23.pdf](#)

[Proposal Summary ITB PR2023-16 11.8.23.pdf](#)

[References.pdf](#)

[Public Notice Advertisement.pdf](#)

[Sun Biz Homestead Concrete.pdf](#)

[Res No 034-23-15968.pdf](#)

6. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AND AUTHORIZING THE PURCHASE OF A CRANE FROM SBL FREIGHTLINER, LLC USING FLORIDA SHERIFFS ASSOCIATION CONTRACT #FSA-VEH21.0 IN AN AMOUNT NOT TO EXCEED \$247,210.00; DECLARING THE EXISTING CRANE AS SURPLUS PROPERTY; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS DEPT.)

[Memo-_Purchase_of_New_Crane_0.2__2_\(1\).docx](#)

[Resolution Approving Crane Purchase from SBL Freightliner LLC](#)

[Exhibit A - Quote - SOUTH MIAMI CITY OF RS3 FSA23 247210.docx](#)

[Bid Award FSA23-VEH21.0 Hvy Duty Spec 44.pdf](#)

[Heavy_Trucks__Buses_Final_Award_Packet102023.pdf](#)

[ITEM_44_OPTIONS_PDF_44 \(1\).pdf](#)

[Vendor Directory.pdf](#)

[SOUTH MIAMI BD FSA 23 247210.pdf](#)

O. RESOLUTION(S)

7. 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_\(1\).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](#)

8. 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 \$256,000 FOR FISCAL YEAR 2023-2024; AUTHORIZING THE CITY MANAGER TO TRANSFER AND 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_Updated_23-24.1.0.docx](#)
[47R2086-Resolution_Approving_Purchase_of_Curbside_Recycling_Services_CAv4.docx](#)
[City of South Miami.pdf](#)

9. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING AN 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 AN AGREEMENT WITH REDSPEED FLORIDA LLC FOR THE SERVICES FOR A TERM NOT TO EXCEED THREE (3) YEARS AND TWO (2) ONE-YEAR EXTENSIONS; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNÁNDEZ)

[47R6509-CA Memo Re RedSpeed Resolution.DOCX](#)
[Resolution Approving and Authorizing Agreement with RedSpeed for Speed Detection System Services - CAV2.docx](#)
[47Q966102-Agreement for Speed Detection System School Zone Enforcement Services.DOCX](#)
[South_Miami_Traffic_Study_Booklet.pdf](#)
[Sun_Biz_Red_Speed_Florida_LLC.pdf](#)
[School_Zone_Speed_Enforcement_Program_Matrix_10.19.23.pdf](#)

[HB657_Summary.pdf](#)
[Proposal_RedSpeed_Program_Overview-City_of_South_Miami \(1\).pdf](#)
[MDBR_Ad.pdf](#)
[MH_Ad.pdf](#)

P. RESOLUTION(S) PUBLIC HEARING(S)

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

10. 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_\(2\).docx](#)

[Ordinance_Approving_Agreement_with_Redspeed_for_Speed_Detection_Systems - SR.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](#)

[South Miami Traffic Study Booklet.pdf](#)

[MDBR Ad.pdf](#)

[MH Ad.pdf](#)

[MDBR Ad.pdf](#)

[MH Ad.pdf](#)

11. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A FRANCHISE AGREEMENT WITH AMERICAN WASTE SYSTEMS, LLC TO LEASE A PORTION OF THE CITY-OWNED PROPERTY LOCATED OUTSIDE THE CITY'S JURISDICTION AT 4795 SW 75 AVENUE FOR THE OPERATION OF AN INDOOR WASTE PROCESSING AND LOADING FACILITY; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FRANCHISE AGREEMENT RELATING TO THE LEASE OF THE PROPERTY; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. 4/5

[47R7051-CA Memo Re American Waste Lease - CA v2.DOCX](#)

[47O249902-Ordinance Approving Franchise Agreement with American Waste Systems for Indoor Waste Processing and Loading Facility v2.DOCX](#)

[47R7046-Ground Lease City CA v5 11-29-23 \(Clean\).DOCX](#)

[MDBR Ad.pdf](#)

[MH Ad.pdf](#)

12. 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. 4/5 (CITY MANAGER-PLANNING DEPT.)
[CC_Accessory_Structure_Staff_Report_10232023__1_.docx](#)
[Ordinance_-_Article_3_-_Accessory_Structure_Height-SR.docx](#)
[PB-23-021 Documents.pdf](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)
13. 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-SR.docx](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)
14. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, CREATING A NEW ARTICLE VI OF CHAPTER 17 OF THE CITY’S CODE OF ORDINANCES TO REGULATE THE CONTROL OF DISCHARGE OF POLLUTANTS INTO STORMWATER COLLECTION FACILITIES PURSUANT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROCESS; PROVIDING FOR CORRECTIONS; CODIFICATION; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS & ENGINEERING)
[Memo_NPDES.docx](#)
[47P0148-Ordinance_-_NPDES_-_SR_11.27.23.docx](#)
[Exhibit A - Article VI. Illicit Discharge and Improper Disposal Ordinance.DOCX](#)
[Phase I MS4 Miami-Dade County Co-Permittee Audit Notification.pdf](#)
[South Miami Phase I MS4 Cycle 4 Year 4 Audit Warning Letter.pdf](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)
15. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE IV, “WATER SHORTAGE PLAN,” OF CHAPTER 16B, “SEWERS AND WATER,” OF THE CITY CODE OF ORDINANCES TO INCORPORATE APPLICABLE MIAMI-DADE COUNTY PERMANENT YEAR-ROUND LANDSCAPE IRRIGATION RESTRICTIONS AND PROVIDE FOR ENFORCEMENT BY THE CITY; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS & ENGINEERING)
[Memo_re_irrigation.docx](#)

[Ordinance_Amending_Chapter_16B_of_the_City_Code_County_Water_Irrigation_Restrictions - SR.docx](#)
[South_Miami_PDFMailer12614.pdf](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)

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

S. ORDINANCE(S) FIRST READING(S)

16. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE II "DEFINITIONS," SECTION 2.3 "DEFINITIONS" AND ARTICLE III "ZONING REGULATIONS," SECTION 3.6 "SUPPLEMENTAL REGULATIONS," TO ADDRESS HOME GARAGES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.3/5 (CITY MANAGER-PLANNING DEPT.)
[CC_SFR_Garages_Staff_Report_11272023_Revised.docx](#)
[Ordinance_-_SFR_Garages_Rev_11-26-23 FR CAV2.docx](#)

T. 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.