



CITY OF SOUTH MIAMI

CITY COMMISSION MEETING AGENDA

Tuesday, November 21, 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**

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. 11.07.23

I. CITY MANAGER'S REPORT

la. City Manager's Report

[CM_Memo_City Manager's Report Nov 21 2023 \(002\).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 ITEM(S)

M1. 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](#)

M2. December 2023 & January 2024 City Commission meetings

N. BOARDS AND COMMITTEES, APPOINTMENTS, ETC.

O. CONSENT AGENDA

1. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING RESOLUTION NO. 135-23-16068 PROVIDING FOR THE APPROVAL AND AUTHORIZATION FOR THE PURCHASE OF UP TO SEVEN (7) POLICE VEHICLES FROM DUVAL FORD, LLC PURSUANT TO BRADFORD COUNTY SHERIFF'S OFFICE CONTRACT #BCSO 22-27-1.0; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-POLICE DEPT.)

[FY_2024_Amended_Vehicle_Purchase_Memo \(1\).docx](#)

[47P2343 Ordinance Amending Police Vehicle Purchases From Duval Ford - CAv4.docx](#)
[Exhibit A-Res No 135-23-16068.pdf](#)
[Exhibit B-Duval Ford Quote.pdf](#)
[Res No 135-23-16068.pdf](#)
[Duval Ford Quote.pdf](#)
[Projected Feet FY 2024 Police Internal Memo.pdf](#)
[SMPD_FLEET_08-18-2023 \(2\).pdf](#)
[SQ# 505071 \(1\) PIUT ADMIN CHIEF.pdf](#)
[SQ# 505070 FORD MACH E ADMIN.pdf](#)
[SQ# 505072 \(5\) MARKED PIUT PATROL.pdf](#)
[SOUTH MIAMI PD-FL \(ESTIMATE - FORD UTILITY 2024 FISCAL\).pdf](#)
[Letter of Award 1301386.pdf](#)

2. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE ENHANCED HOLIDAY PARKING PROGRAM TO TEMPORARILY PROVIDE FREE PARKING AT THE SOUTH MIAMI PARKING GARAGE AND ONE HOUR OF FREE ON-STREET PARKING TO BE ADDED TO ANY PAID ON-STREET PARKING EVENT TO BENEFIT ALL VISITORS TO THE CITY'S TOWN CENTER AND HOMETOWN DISTRICT COMMENCING ON NOVEMBER 23, 2023 AND ENDING ON JANUARY 2, 2023; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; SEVERABILITY; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[2023_Memo_Holiday_Garage_Free_Parking_Month_rv \(1\).docx](#)
[Resolution Approving Holiday Garage Free Parking Month](#)
3. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE PURCHASE OF A FIRE PUMP AND RELATED INSTALLATION SERVICES FOR THE CITY'S MUNICIPAL PARKING GARAGE FROM WIGINTON CORPORATION D/B/A WIGINTON FIRE SYSTEM IN AN AMOUNT NOT TO EXCEED \$25,690; 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-PUBLIC WORKS DEPT.)
[Memo- Fire Pump Replacement 1.01.docx](#)
[47P2170-Resolution Approving Purchase of Fire Pump Controller from Wiginton.docx](#)
[Exhibit A Proposal for Fire Pump Controller with redlines-.pdf](#)
[Estimate_6729_from_Pye_Barker_Fire__Safety_LLC_Formerly_Ace_Fire_Sprinklers_Inc.pdf](#)
4. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE PURCHASE OF ELEVATOR REPAIRS FOR THE CITY'S MUNICIPAL PARKING GARAGE FROM SOUTH FLORIDA ELEVATOR SERVICES, CORP. IN AN AMOUNT NOT TO EXCEED \$7,000; 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-PUBLIC WORKS DEPT.)
[Memo_Parking_garage_Elevator_Repairs_1.2.docx](#)
[47P220102-Resolution Approving Purchase of Repairs for Parking Garage Elevator from Florida Elevator Services Corp..DOCX](#)
[Exhibit A - South Miami Municipal Parking Elevator Repair Agreement.pdf](#)
[Brouss Elevator Proposal for Municipal Parking Garage.pdf](#)

P. RESOLUTION(S)

Q. RESOLUTION(S) PUBLIC HEARING(S)

5. 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)
[Option 1 - Resolution Calling Special Election Charter Amendment Allowing Leases for City Hall Redevelopment](#)
[47N548702-Memo Resolution Options Relating to City Charter Section 4 Franchise of Article VI - Nov 14.DOCX](#)
[Option 2 - Resolution Calling Special Election Charter Amendment Allowing Leases of City Property](#)
[Option 3 - Resolution Calling Special Election Charter Amendment Allowing Commission to Approve Property Leases Exceeding 50 years By Ordinance](#)
[MDBR Ad.pdf](#)
[MH Ad.pdf](#)
[MH Ad.pdf](#)

6. 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](#)
[MH Ad.pdf](#)

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

7. 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. 4/5 (CITY MANAGER-FINANCE DEPT.)

[FY2023_Memo_-_Ordinance_Non-Dept_increase_for_185__4_.docx](#)

[Ordinance Amending FY 2022 23 Budget - Police Retirement Trust Fund Premium Distribution SR](#)

[Acknowlegment Letter for 2022 Premium Tax Distribution.pdf](#)

[MDBR Ad.pdf](#)

[MH Ad.pdf](#)

[MH Ad.pdf](#)

8. 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 POLICY 1.1.1. OF THE FUTURE LAND USE ELEMENT OF THE CITY OF SOUTH MIAMI COMPREHENSIVE PLAN, TO MODIFY THE DESCRIPTION APPLICABLE TO THE “DOWNTOWN SOMI (DS)” FUTURE LAND USE CATEGORY; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PLANNING DEPT.)

[CC_5795_Sunset_Dr._FLUM___Rezoning_Staff_Report_11142023__1_\(2\).docx](#)

[47N871102-Ordinance_-_Downtown_Somi_Comp_Plan_Text_-_SR_11.14.23 CAV2.docx](#)

[SOMI DS Exhibit A.DOC](#)

[MDBR.pdf](#)

[MH Ad.pdf](#)

[MH Ad1.pdf](#)

9. 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_11142023__1_\(2\).docx](#)

[Ordinance 5795 Sunset Drive FLUM - SR 11.14.23](#)

[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](#)

[MH Ad1.pdf](#)

10. 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. 4/5 (CITY MANAGER-PLANNING DEPT.)

[CC_5795_Sunset_Dr._FLUM___Rezoning_Staff_Report_11142023__1_\(2\).docx](#)

[Ordinance 5795 Sunset Drive Rezoning - SR 11.14.23](#)

[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](#)

[MH Ad1.pdf](#)

11. 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 ARTICLE III “ZONING REGULATIONS” OF THE LAND DEVELOPMENT CODE, INCLUDING SECTIONS 20-3.1, “ZONING USE DISTRICTS AND PURPOSES,” AND 20-3.5, “DIMENSIONAL REQUIREMENTS,” AND ARTICLE XII, “DOWNTOWN SOMI DISTRICT REGULATIONS” OF THE LAND DEVELOPMENT CODE, ALL TO MODIFY LAND DEVELOPMENT REGULATIONS APPLICABLE TO THE “DS” DOWNTOWN SOMI DISTRICT; PROVIDING FOR CORRECTIONS; CODIFICATION; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-PLANNING DEPT.)

[CC_5795_Sunset_Dr._FLUM___Rezoning_Staff_Report_11142023__1_\(1\).docx](#)

[Ordinance - Downtown Somi Zoning Text - SR 11.14.23](#)

[4777877-Exhibit A - Changes to Article 3.docx](#)

[Exhibit_B_-_Article_XII_Text_-_11-14-23 - Final for SR.docx](#)

[MDBR.pdf](#)

[MH Ad.pdf](#)

[MH Ad1.pdf](#)

12. 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 ARTICLE III, "ZONING REGULATIONS" OF THE LAND DEVELOPMENT CODE, INCLUDING SECTIONS 20-3.1, "ZONING USE DISTRICTS AND PURPOSES," 20-3.3 "PERMITTED USE SCHEDULE," 20-3.5, "DIMENSIONAL REQUIREMENTS," AND 20-3.6, "SUPPLEMENTAL REGULATIONS", ALL TO MODIFY LAND DEVELOPMENT REGULATIONS APPLICABLE TO THE "R" RELIGIOUS DISTRICT; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER-PLANNING DEPT.)

[CC_Religious_Zoning_District_Staff_Report_10112023 \(1\).docx](#)

[Ordinance - R Religious District - 2nd Reading 11.14.23](#)

[MDBR.pdf](#)

[MH Ad.pdf](#)

[MH Ad1.pdf](#)

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

13. 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. 3/5

[470249902-Ordinance Approving Franchise Agreement with American Waste Systems for Indoor Waste Processing and Loading Facility v2.DOCX](#)

[47P405103-Ground Lease - v5 TR LA Changes 11 17 23 Clean for Agenda.DOCX](#)

T. ORDINANCE(S) FIRST READING(S)

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](#)

[Ordinance - NPDES - FR 11.21.23.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](#)

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.DOCX](#)

[South_Miami_PDFMailer12614.pdf](#)

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.