



CITY OF SOUTH MIAMI

CITY COMMISSION MEETING AGENDA

TUESDAY, JULY 21, 2026, 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.

A. SILENCE OR TURN OFF ALL CELL PHONES

B. ROLL CALL

C. PRAYER/MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PUBLIC REMARKS

F. PRESENTATIONS

F1. Employee of the Quarter for 2026 Quarter 2 - Francesca Gemelli, Administrative Services

Coordinator

F2. Proclamation - Mano Libera, South Miami Restaurant recognized in the Michelin Guide

F3. Thelma Gibson Health Initiative, Inc. (TGHI) - Commissioner Rodriguez
[TGHI_Presentation_July21_Final.pptx](#)

F4. Public Works Yard Waste Diversion Opportunities
- Insoftel
- UDP Logistics

G. ADD-ON ITEM(S)

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

I. APPROVAL OF MINUTES

I1. 06.09.26

J. CITY MANAGER'S REPORT

J1. City Manager's Report
[7-21_CM Report_July 21_2026.docx](#)

K. 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.]

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

M. DISCUSSION ITEM(S)

M1. Pedestrian Bridge Design Conceptual - Mayor Fernandez
[FINAL and APPROVED Bridge Design Conceptual.pdf](#)

M2. Planning Board - Commissioner Bonich
[Bonich Discussion Planning Board.docx](#)

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, APPROVING A BUDGET TRANSFER IN THE AMOUNT OF \$50,000.00 FROM THE ART IN PUBLIC PLACES FUND TO APPROPRIATE FUNDS RECEIVED FROM VOUS CHURCH, INC. FOR THE MARSHALL WILLIAMSON SCHOLARSHIP PROGRAM, YOUTH PROGRAMMING, AND

SENIOR PROGRAMMING; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTION NECESSARY TO IMPLEMENT THE BUDGET TRANSFER; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS, RECREATION & CULTURE DEPT.)

[Memo-Art_In_Public_Places_Fund_Allocation__1_.docx](#)

[4DX0660-Reso_Approving_Budget_Transfer_AIPP_Funds_CAv2.docx](#)

[Res No 023-26-16437.pdf](#)

2. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A REVISED GRANT OF EASEMENT TO MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT FOR SANITARY SEWER FACILITIES LOCATED AT SOUTH MIAMI PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE REVISED GRANT OF EASEMENT; PROVIDING FOR IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS, RECREATION & CULTURE DEPT.)
[4DW9242-CC Memo - Approving Revised Easement to MSWASD - SM Park CAv2.DOCX](#)
[4DW9078-Reso_Approving_Revised_Easement_to_MSWASD_-_SM_Park_CAv2.docx](#)
[Exhibit A - Revised Grant of Easement.pdf](#)
[Exhibit B - Sketch and legal Description.pdf](#)
[2021 City of South Miami_Executed Agreement_Pending Easement.pdf](#)
[4DW9431-Original Easement City of SM to MDWASD SM Park.PDF](#)
3. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING A MULTI-YEAR INTERLOCAL AGREEMENT WITH THE MIAMI-DADE COUNTY OFFICE OF FILM AND ENTERTAINMENT TO ISSUE PERMITS TO FILM AND STILL PHOTOGRAPHY COMPANIES ALLOWING THEM TO UTILIZE CITY FACILITIES AND SERVICES AS AUTHORIZED BY THE CITY; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PARKS, RECREATION & CULTURE DEPT.)
[Memo_-_Interlocal_Film_Agreement \(2\).docx](#)
[Resolution_Approving_County_ILA_For_Film_Permit_Program.docx](#)
[Exhibit A-2026 Interlocal Agreement - Renewal.pdf](#)
[Current Interlocal Agreement - Expiring.pdf](#)
[MDC Code.docx](#)
4. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE PURCHASE OF A NEW SHADE STRUCTURE AND RELATED INSTALLATION SERVICES FOR THE PLAYGROUND AT VICE MAYOR ROBERT C. WELSH JR. PARK IN AN AMOUNT NOT TO EXCEED \$78,555 UTILIZING THE TERMS AND CONDITIONS OF THE COMPETITIVELY BID ALACHUA COUNTY PUBLIC SCHOOL DISTRICT IFB NO. 24-13; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH THE VENDOR RELATING TO THE SAME; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. (CITY MANAGER-PARKS, RECREATION & CULTURE DEPT.)
[Memo-_Vice_Mayor_Bob_Welsh_Playground_Structure.docx](#)
[Reso- Vice Mayor Bob Welsh Playground Structure.docx](#)
[Exhibit A - Piggyback Agreement with Shade Systems - VM Bob Welsh Park Playground.PDF](#)
[Exhibit B - Shade System Proposal.pdf](#)
[Exhibit C - Sunbiz \(Shade Systems Inc.\).pdf](#)

P. RESOLUTION(S)

5. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING WITH WASTE MANAGEMENT INC. OF FLORIDA FOR A ONE-MONTH GREEN WASTE DIVERSION PILOT PROGRAM; AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE MEMORANDUM OF UNDERSTANDING AND EXPEND FUNDS FOR SUCH PURPOSE; PROVIDING FOR IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. (CITY MANAGER-PUBLIC WORKS DEPT.)
[4DW9467-CC_Memo_-_MOU_with_Waste_Management_Pilot_Program_Clean_Waste___CAv2 \(1\).docx](#)
[4DW9489-Reso_Approving_MOU_with_Waste_Management_Pilot_Program_Clean_Waste___CAv2.do](#)
[4DV251002-MOU Agreement - Waste Management Clean Yard Waste TAv1 \(clean\).DOCX](#)

Q. RESOLUTION(S) PUBLIC HEARING(S)

6. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, DECLARING, AS REQUIRED BY SECTION 200.065, FLORIDA STATUTES, THE CITY'S PROPOSED MILLAGE RATE, ROLLED-BACK RATE COMPUTED PURSUANT TO SECTION 200.065(1), FLORIDA STATUTES, AND THE DATE, TIME AND PLACE AT WHICH THE FIRST AND SECOND PUBLIC BUDGET HEARINGS WILL BE HELD TO CONSIDER THE PROPOSED MILLAGE RATE AND THE TENTATIVE BUDGET FOR FISCAL YEAR 2026-2027; DIRECTING THE CITY MANAGER AND CITY CLERK TO TRANSMIT AND FILE THIS RESOLUTION WITH THE MIAMI-DADE COUNTY PROPERTY APPRAISER; AUTHORIZING THE CITY MANAGER TO CHANGE BUDGET HEARING DATES, IF NEEDED; AND PROVIDING FOR CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[Memo for TRIM Resolution.DOCX](#)
[TRIM Resolution CA v3.DOCX](#)
[DR420_2026_227 \(1\).pdf](#)
[DR420MMP_2026_227.pdf](#)
[2026-average-and-median-homestead-residential-values.pdf](#)
[2026-average-and-median-residential-values.pdf](#)
[2026-preliminary-senior-exemptions.pdf](#)
[2025-26-year-to-year-comparison.pdf](#)
[2026-taxing-authorities-report.pdf](#)
[2026-07-01-preliminary-roll-by-taxing-authority.pdf](#)
[Ad.pdf](#)
7. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING AND AWARDED A MULTI-YEAR PROFESSIONAL SERVICES AGREEMENT TO BECKER & POLIAKOFF, P.A. FOR FEDERAL LOBBYING SERVICES; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A MULTI-YEAR PROFESSIONAL SERVICES AGREEMENT WITH THE LOBBYING CONSULTANT IN AN AMOUNT NOT TO EXCEED \$40,000 ANNUALLY FOR A THREE-YEAR TERM; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[4DX0382-Reso_Becker___Poliakoff_Federal_Lobbying_Services_CAv2.docx](#)
[4DX0375-CC_Memo_Becker___Poliakoff_Federal_Lobbying_Services_CAv2 \(1\).docx](#)
[Exhibit A - Proposal - Becker - South Miami Draft 2026-29 Consulting Agreement.doc](#)
[Exhibit B - PSA Becker & Poliakoff Federal Lobbying Services CAv2.DOCX](#)

8. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2026, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A PROPOSED AMENDMENT TO SECTION 4 "FRANCHISE" OF ARTICLE VI "GENERAL PROVISIONS" OF THE CITY CHARTER, AS PRESENTED IN A BALLOT QUESTION, RELATING TO FRANCHISES, INCLUDING TO DEFINE THE TERM "FRANCHISE" TO EXCLUDE LEASES; 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 COMMISSION)
[CA Memo-Charter Amendment-Franchises.DOCX](#)
[Resolution Calling Special Election-Charter Amendment-Franchise Not Lease.DOCX](#)
[Ad.pdf](#)
9. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2026, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A PROPOSED AMENDMENT TO SECTION 3, "PUBLICATION REQUIREMENTS," OF ARTICLE VI, "GENERAL PROVISIONS," OF THE CITY CHARTER, AS PRESENTED IN A BALLOT QUESTION TO ALLOW NOTICE OF PROPOSED ORDINANCES TO BE PUBLISHED AS PERMITTED BY FLORIDA LAW, INCLUDING ON A PUBLICLY ACCESSIBLE WEBSITE; 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 COMMISSION)
[CA Memo-Charter Amendment-Ordinance Publication Requirement.DOCX](#)
[Resolution Calling Special Election-Charter Amendment-Ordinance Publication Method.DOCX](#)
[Ad.pdf](#)
10. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2026, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A PROPOSED AMENDMENT TO SECTION 5, "POWERS AND DUTIES," OF ARTICLE III, "CITY MANAGER," OF THE CITY CHARTER, AS PRESENTED IN A BALLOT QUESTION, TO REQUIRE THAT CITY PURCHASES BE APPROVED IN ACCORDANCE WITH PURCHASING POLICIES ADOPTED BY THE CITY COMMISSION; 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 COMMISSION)
[CA Memo-Charter Amendment-Purchasing Procedures.DOCX](#)
[4DX1457-Ord Charter Amendment Purchasing Limitations CA v3.DOCX](#)
[Ad.pdf](#)
11. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI,

FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2026, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE A PROPOSED AMENDMENT TO SECTION 4, "VACANCIES," OF ARTICLE II, "CITY COMMISSION" OF THE CITY CHARTER, AS PRESENTED IN A BALLOT QUESTION, TO EXTEND THE TIME FOR CALLING AND HOLDING SPECIAL ELECTIONS TO FILL COMMISSION VACANCIES AND TO CONFORM PROCEDURES TO THE REQUIREMENTS OF COUNTY AND STATE LAW; 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 COMMISSION)

[CA Memo-Charter Amendment-Vacancy Election Timing.DOCX](#)

[Resolution-Calling Special Election-Charter Amendment-Vacancy Elections Timing.DOCX Ad.pdf](#)

12. 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 ELEVATOR COMMUNICATIONS GROUP, LLC FOR ELEVATOR MONITORING, EMERGENCY COMMUNICATIONS AND SERVICES FOR CITY ELEVATORS; PROVIDING FOR IMPLEMENTATION, CORRECTIONS AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS DEPT.)

[4DX0239-CC_Memo_Multi-Year_Agreement_Elevator_Monitoring_Services_CAv2 \(1\).docx](#)

[4DX0248-Reso_Authorizing_Multi-](#)

[Year_Agreement_Elevator_Monitoring_Services_CAv2.docx](#)

[Exhibit A-Elevator Phone Monitoring Agreement.DOCX](#)

[Exhibit B- CITY OF SOUTH MIAMI - 4-ELEVATORS - MONITORING SERVICE ONLY AGREEMENT - 2026.05.28.pdf](#)

[Ad.pdf](#)

13. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE MULTI-YEAR PROFESSIONAL SERVICES AGREEMENT WITH URBAN SDK, INC. FOR TRAFFIC ANALYTICS, GEOSPATIAL DATA, AND DECISION SUPPORT SOFTWARE SERVICES IN AN AMOUNT NOT TO EXCEED \$101,818; PROVIDING FOR AUTHORIZATION, IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-POLICE DEPT.)

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

[Reso_Approving_PSA_with_Urban_SDK_Inc._-](#)

[_Traffic_Analytics_Geospatial_Data_and_Decision.docx](#)

[Urban SDK Renewal Contract \(Exhibit A\).pdf](#)

[Urban SDK - Sole Source Justification \(Exhibit B\).pdf](#)

[4DX0187-PSA - Urban SDK Inc. - Traffic Analytics Geospatial Data and Decision Support Software Services.DOCX](#)

[Ad.pdf](#)

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

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

14. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI,

FLORIDA, ESTABLISHING GENERAL OBLIGATION BOND DEBT SERVICE FUND 202 AND GENERAL OBLIGATION BOND CAPITAL PROJECTS FUND 302; AMENDING THE CITY'S FISCAL YEAR 2025-2026 BUDGET TO PROVIDE FOR THE APPROPRIATION AND REAPPROPRIATION OF FUNDS ASSOCIATED WITH THE CITY'S GENERAL OBLIGATION BOND PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. 3/5 (CITY MANAGER-FINANCE DEPT.)

[Memo-Funds_202_and_302_Establishment.docx](#)

[GOB DEBT SERVICE FUND 202 - FY 2026.doc](#)

[4DX1417-Ord Establish GO Bond Funds and Budget Amendments CAV3.DOCX](#)

[GOB CIP FUND 302 - FY 2026.docx](#)

[201 Debt Fund Loans FY 26_rv.pdf](#)

[Ordinance No. 22-25-2535 - Appropriation.pdf](#)

[Ad.pdf](#)

T. ORDINANCE(S) FIRST READING(S)

15. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 11-18 "MUNICIPAL COLLECTION SERVICE; TRANSITION PERIOD ESTABLISHED FOR MODIFICATION OF SERVICE PARAMETERS", OF CHAPTER 11 "GARBAGE AND TRASH" OF THE CODE OF ORDINANCES, TO PROVIDE FOR ELIGIBLE LARGE MULTI-FAMILY RESIDENTIAL PROPERTIES TO CONTINUE TO RECEIVE CITY-PROVIDED DOMESTIC GARBAGE COLLECTION SERVICES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PUBLIC WORKS DEPT.)

[Memo-Ordinance Change.docx](#)

[4DW8757-Ord Amending Sec. 11-18 Eligible Large Multi-family Residential Properties V2.DOCX](#)

[Garbage_Ordinance_Change_Report__1__1_.docx](#)

[Ord No 06-26-2549.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 OF 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. 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.

