



CITY OF SOUTH MIAMI

CITY COMMISSION MEETING AGENDA

TUESDAY, SEPTEMBER 16, 2025, 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. PRESENTATIONS

E1. Officer of the Month- Marcus Prather, Chief Hatfield

E2. Recognition- Lt. Bukens Graduation from FBI Academy, Chief Hatfield

E3. Progress Report on Homelessness, Chief Hatfield

E4. Red Speed Camera Presentation, Chief Hatfield

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

H1. 09.03.25

I. CITY MANAGER'S REPORT

I1. City Manager's Report
[CM's Report_Sept 16_2025.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. Eminent Domain for Fire Access for Dante Fascell Park Building
[Memo_re_Eminent_Domain_for_Fire_Access_for_Dante_Fascell_Park_building.docx](#)
[Exhibit B to Easement - Legal description and sketch.pdf](#)
[South Miami Dante Fascell 5 factors report scope.docx](#)

N. BOARDS AND COMMITTEES, APPOINTMENTS, ETC.

N1. Alejandro M. Miyar been reappointed by Mayor Fernández, to the Town Center Advisory Board as a resident, as per City Charter Art. II, Sec. 8 A, for a two-year term ending September 16, 2027.

[Alejandro M. Miyar..pdf](#)

N2. Town Center Advisory Board - Mary Scott Russell, resident, has been recommended to be reappointed to serve on the Town Center Advisory Board, as per City Charter Art. II, Sec. 8 A, for an additional two-year term ending September 16, 2027, or until a successor is appointed, whichever occurs first. (Needs a majority Commission vote)

[Mary Scott Russell..pdf](#)

N3. Town Center Advisory Board - Paul Ramirez, resident, has been recommended to be

reappointed to serve on the Town Center Advisory Board, as per City Charter Art. II, Sec. 8 A, for an additional two-year term ending September 16, 2027, or until a successor is appointed, whichever occurs first. (Needs a majority Commission vote)

[Paul Ramirez Board App..pdf](#)

O. CONSENT AGENDA

1. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A ONE-TIME MODIFICATION OF THE PARKING FEE IN THE SCHEDULE OF FEES AND FINES TO ALLOW FOR THE LICENSE OF ON-STREET PARKING SPACES ADJACENT TO 6075 SUNSET DRIVE DURING THE CONSTRUCTION OF THE EDGE OF SUNSET DEVELOPMENT PROJECT; PROVIDING FOR CORRECTIONS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[Memo_-_Edge_of_Sunset__Parking__Space_Rental_Meeting_Request.docx](#)
[4BW6618-Reso - Scheulde of Fees - Parking Edge of Sunset CA v2.DOCX](#)
[BUILDING MOT PLAN 7-10-25.pdf](#)
[Parking - Schedule of Fees Updated 8-15-25.pdf](#)
[8.18.25 JAXI Builders - Filled out - PARKING SPACE RENTAL APPLICATION.pdf](#)
2. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING AND AWARING A CONSTRUCTION CONTRACT TO HYCON INVESTMENTS, LLC FOR THE MURRAY PARK AQUATIC CENTER NEW BOLLARD LIGHTING FIXTURES AND MISCELLANEOUS IMPROVEMENT PROJECT IN THE AMOUNT OF \$108,380, TOGETHER WITH A \$10,000 CONTINGENCY, FOR A TOTAL PROJECT COST IN AN AMOUNT NOT TO EXCEED \$118,380 PURSUANT TO INVITATION TO BID NO. PR2025-12; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER - PARKS, RECREATION & CULTURE DEPT.)
[Memo-MPAC_Bollard_Fixtures.docx](#)
[Resolution-MPAC Bollard Fixtures-CAv1.docx](#)
[Exhibit A-Construction Contract-Murray Park Aquatic Center-Bollards.DOCX](#)
[FINAL ITB MPAC Bollard Llighting Fixtures 8.14.25.pdf](#)
[Hycon Bidding Document.PDF](#)
[ITB PR2025-12 Bid Tabulation 9.3.25.pdf](#)
[Proposal Summary ITB PR2025-12 9.3.25.pdf](#)
[Demand Star ITB PR2025-12 9.3.25.pdf](#)
3. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING AND AWARING A CONSTRUCTION CONTRACT TO SPORT SURFACES LLC FOR THE DANTE FASCELL PARK BEACH VOLLEYBALL COURT IMPROVEMENTS PROJECT IN THE AMOUNT OF \$77,875, TOGETHER WITH A \$7,787 CONTINGENCY, FOR A TOTAL PROJECT COST IN AN AMOUNT NOT TO EXCEED \$85,662 PURSUANT TO INVITATION TO BID NO. PR2025-13; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER - PARKS, RECREATION & CULTURE DEPT.)
[Memo-DFP_Beach_Volleyball_Improvements.docx](#)
[4BW278002-Resolution Selecting Sport Surfaces LLC for Dante Fascell Volleyball Court Project V2.DOCX](#)
[Exhibit A - Construction Contract - Sports Surfaces - Dante Fascell Volleyball.DOCX](#)

[FINAL ITB-DFP Beach Volleyball Improvements.pdf](#)
[Sport Svc Bidding Document.PDF](#)
[ITB 2025-13 Bid Tabulation 9.3.25.pdf](#)
[Proposal Summary ITB PR2025-12 9.3.25.pdf](#)
[Demand Star ITB PR2025-13 9.3.25.pdf](#)

4. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A ONE-TIME MODIFICATION OF THE PARKING FEE IN THE SCHEDULE OF FEES AND FINES TO ALLOW FOR THE LICENSE OF ON-STREET PARKING SPACES ALONG SUNSET DRIVE TO TEAMWORK CONTRACTORS GROUP, LTD DURING THE CONSTRUCTION OF THE UNITED COMMUNITY BANK PROJECT; PROVIDING FOR CORRECTIONS; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[Resolution Schedule of Fees - Parking - United Company Bank - Teamwork Contractors Group.DOCX](#)
[Schedule of Fees - Parking.docx](#)
[PARKING SPACE RENTAL APPLICATION - Special Rate.PDF](#)
[Memo_-_United_Community_Bank_Parking__Space_Rental_Reuced_Fee_Request__1_.docx](#)

P. RESOLUTION(S)

5. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING AND AWARING A CONSTRUCTION CONTRACT TO BRIGHTVIEW LANDSCAPE SERVICES, INC. FOR THE SUNSET DRIVE LANDSCAPE MODIFICATIONS PROJECT IN AN AMOUNT NOT TO EXCEED \$279,943 PURSUANT TO INVITATION TO BID NO. PW2025-08; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER - PUBLIC WORKS)
[4BW8175-Memo_-_Awarding_Landscape_Services_for_Sunset_Drive_CAv2 \(1\).docx](#)
[Resolution - Awarding Landscape Services for Sunset Drive CAV2.DOCX](#)
[Exhibit A - Brightview Landscape Services Inc for Sunset Drive.DOCX](#)
[Bid Tabulation ITB PW2025-08 8.1.25.pdf](#)
[FINAL ITB Sunset Drive Landscape Modifications 6.25.25.pdf](#)
[Proposal Summary ITB PW2025-08-8.1.25.pdf](#)
6. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SCHEDULE OF FEES AND FINES, PARKS & RECREATION FEES SCHEDULE, TO AMEND THE MEMBERSHIP RATES AND FITNESS TRAINER PERMIT FEES FOR THE GIBSON-BETHEL COMMUNITY CENTER; PROVIDING FOR IMPLEMENTATION; CORRECTIONS; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER - PARKS, RECREATION & CULTURE DEPT.)
[Memo-GBCC_Schedule_of_Fee_Revisions \(1\).docx](#)
[4BW5674-Reso Amending GBCC Scedule of Fees CAV2.DOCX](#)
[Exhibit A-GBCC Fitness & Gymnasium Schedule of Fees.pdf](#)
[Fitness Center Personal Training Handbook.pdf](#)
7. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, SELECTING AND AWARING A CONSTRUCTION CONTRACT TO RG UNDERGROUND ENGINEERING, INC. FOR THE SW 65TH AVENUE FROM SW 50TH STREET TO SW 52ND STREET

DRAINAGE IMPROVEMENTS PROJECT IN THE AMOUNT OF \$349,440.00; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT FOR THE PROJECT; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER - PUBLIC WORKS)

[Memo-65th_Avenue_Drainage_Improvements__1.2.docx](#)

[Resolution SW 65th Avenue Drainage Improvements.DOCX](#)

[Exhibit A-Construction Contract-SW 65th Avenue Drainage Improvements-RG Underground Engineering Inc..DOCX](#)

[FINAL ITB SW 65 AVE Drainage Improvements Project 6.27.25.pdf](#)

[RG Underground Bidding Document.PDF](#)

8. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE SCHEDULE OF FEES AND FINES INCREASING THE HOURLY PARKING RATE CITYWIDE, EXCLUDING THE LIBRARY PARKING LOT; PROVIDING FOR CORRECTIONS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

[Memo_-_Rate_Increase_to__3.25__3_\(1\).docx](#)

[Reso Amending Fees - Parking Rates.DOCX](#)

9. A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, REMEMBERING AND COMMEMORATING OCTOBER 7, 2023, IN HONOR OF THE VICTIMS OF THE OCTOBER 7TH ATTACK ON ISRAEL; DIRECTING THE CITY MANAGER TO FLY THE FLAG OF ISRAEL ON OCTOBER 7, 2025; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (MAYOR FERNANDEZ)

[State_of_Israel_Flag_Raising_October_7th_final Memo.docx](#)

[Israel Flag October 7th Resoution.docx](#)

Q. RESOLUTION(S) PUBLIC HEARING(S)

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

10. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING SECTION 15A-17 "RESERVED" OF CHAPTER 15A "PARKING" OF THE CODE OF ORDINANCES TO PROVIDE PROCEDURES FOR REQUESTS FOR PERMANENT REMOVAL OF ON-STREET PARKING; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)

[Memo 2nd Hearing - Procedures for Removal of On-street Spaces.docx](#)

[Ord_-_Procedures_for_Removal_of_On-Street_Parking_Spaces_SR.docx](#)

[BUSINESS IMPACT ESTIMATE.docx](#)

[Ad.pdf](#)

11. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE LEASE AGREEMENT WITH THE GIRL SCOUT COUNCIL OF TROPICAL FLORIDA, INC. IN CONNECTION WITH AN EXISTING FRANCHISE PROVIDING FOR THE CONTINUED USE OF THE PROPERTY LOCATED AT 6609 SW 60 STREET AND KNOWN AS THE LITTLE HOUSE RESERVE PARK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, SEVERABILITY AND AN EFFECTIVE DATE. 4/5 (CITY MANAGER - PARKS & RECREATION DEPT.)

[4BT0566-CC_Memo_Second_Amend_to_Lease_-_Girl_Scouts_CAv2__2_\(2\).docx](#)
[Ordinance_Approve_Second_Amend_to_Lease_Girl_Scouts_CAv2 - SR.docx](#)
[Exhibit_A_-_Second_Amendment_to_Lease_Agreement-SR Version - CAV2.docx](#)
[SURV- 269961 EXHIBIT B-signed.pdf](#)
[47F4592-Business Impact Estimate Form.docx](#)
[Ad.pdf](#)

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

12. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A LEASE AGREEMENT WITH SOUTH MIAMI CHILDREN'S CLINIC, INC. IN CONNECTION WITH AN EXISTING FRANCHISE; PROVIDING FOR THE CONTINUED USE OF THE PROPERTY LOCATED AT 6701 SW 58TH PLACE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[South_Miami_Children_s_Clinic_Inc._and_The_City_of_South_Miami_Lease_Agreement_Mc4BW6262-Ordinance Miami Children's Clinic.DOCX](#)
[4BW6412-Lease Agreement South Miami Children's Clinic CAV3.DOCX](#)
[Ad.pdf](#)

T. ORDINANCE(S) FIRST READING(S)

13. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, RELATING TO THE SOUTH MIAMI PENSION PLAN BY AMENDING CHAPTER 16 "PENSIONS", ARTICLE II "CITY PENSION PLAN", SECTION 16-12 "DEFINITIONS" IN ORDER TO EFFECTUATE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND POLICE BENEVOLENT ASSOCIATION AND THE FRATERNAL ORDER OF POLICE; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION, AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER)
[Memo_-_Ordinance_Adopting_Pensionable_Items\(1\).docx](#)
[4BW3881-Pension_Ordinance_Implementing_MOU_for_Compensation_rev_8.25.25.docx](#)
[2025.06.17-SouthMiami_June2025 - Projections_Police.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. 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.